

# City of Carmel-by-the-Sea

POLICE DEPARTMENT

*Rec'd Feb 1 1997*  
*[Signature]*

January 30, 1997

Mr. Charles Page, Foreman  
1996 Civil Grand Jury  
Post Office Box 1819  
Salinas, California 93902

Dear Mr. Page:

I have received and thoroughly reviewed the Monterey County Civil Grand Jury's Follow-up to Mid-Year Final Report on Domestic Violence. The following are the responses to the recommendations in that report.

1. *Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701(c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.*

Contrary to this report's findings, the Carmel-by-the-Sea Police Department does have printed copies of the information required in California Penal Code Section 13701(c) available and on display in the lobby of the Police Department 24 hours per day. This information is located on the table in the lobby and can be obtained without speaking to anyone. If asked, the desk officer on duty can also furnish this information and all officers carry this information in the field. We will, as we have in the past, continue this policy.

2. *All law enforcement agencies, Judges, and Probation Officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.*

We have obtained a master copy of the "Lethality List" and will put it to use as suggested.

3. *The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. This money could come from the Monterey County Board of Supervisors or grants.*

We fully support the efforts of the Probation Department in obtaining the electronic devices described.

4. *The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.*

I am certain the Monterey County Chief Law Enforcement Officers Association will fully review this recommendation.

5. *All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.*

All officers of the Carmel-by-the-Sea Police Department are familiar with Emergency Protective Orders and follow a published Department protocol when investigating cases of domestic violence. The "Lethality List" will be incorporated into our procedure.

6. *Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.*



1996 Civil Grand Jury  
January 30, 1997  
Page 3

We continue to look for ways to stop the cycle of violence and will continue to do so.

Thank you for your efforts in the field of domestic violence. Please don't hesitate to contact me if you have any questions.

Very truly yours,



DONALD P. FUESLER  
Chief of Police

DPF:dy

# *City of Carmel-by-the-Sea*

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G  
CARMEL-BY-THE-SEA, CA 93921

(408) 624-6835 OFFICE  
(408) 624-4057 FAX

30 June 1997

Monterey County Civil Grand Jury  
Post Office Nox 1819  
Salinas, CA 93902

Dear Chairman Loper:

Please find enclosed the City's response to the 1996 Monterey County Civil Grand Jury Report regarding the operations of Monterey County, Special Districts and local Cities. The City Council reviewed the report on 4 March 1997.

On the basis of this review, the City Council responded to the two specific recommendations of the Grand Jury Report relating to Carmel-by-the-Sea, including: 1) improving coordination between local Cities, Monterey County and the Monterey Bay Unified Air Pollution Control District regarding the regulatory impact of air quality on local business and the region, and 2) improving coordination between local Cities, Monterey County, Monterey County Housing Authority, LAFCO and AMBAG relating to low income housing production.

I apologize for failing to notify you earlier of the City Council's action. If upon reviewing the City Council's comments you have any questions, please do not hesitate to call me.

Sincerely,



Rick Tooker  
Senior Planner

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

STAFF REPORT

TO: MAYOR WHITE AND THE CITY COUNCIL THROUGH JERE A. KERSNAR, CITY ADMINISTRATOR

FROM: RICK TOOKER, SENIOR PLANNER

DATE: 4 MARCH 1997

SUBJECT: RESPONSE TO THE MONTEREY COUNTY CIVIL GRAND JURY FINAL REPORT FOR 1996

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I. BACKGROUND

On 16 December 1996, the Monterey County Civil Grand Jury completed its final report regarding the operations of Monterey County, Special Districts and local Cities. The purpose of this report is to ensure that the duties of these agencies are being operated in a reasonably efficient and effective manner.

The Grand Jury report covers an array of issues ranging from procedures for making appointments to boards and commissions in Monterey County and the City of Salinas to dealing with the homeless issue County wide. Two issues which have been addressed in this report require a response by the City of Carmel-by-the-Sea and are described as follows:

II. GRAND JURY RECOMMENDATIONS

1. *Each City Council and Board of Supervisors within the Monterey Bay Unified Air Pollution Control District schedule a special study session, at least annually, for a briefing by the District staff covering the priorities and the activities of the District, with particular emphasis on how the activities in each jurisdiction affect the air quality of the region and how the regulatory activities of the District impact the businesses within the jurisdiction. The briefing should be well publicized so that local businesses and the public can participate.*

Response: The City concurs that regional coordination between cities and special districts can improve the function of each. Understanding that air pollution does not recognize jurisdictional boundaries and that the Monterey Bay Unified Air Pollution Control District's actions impact all local agencies, it is appropriate to provide a forum for District staff to inform these agencies and the public of the District's activities. It may be impractical, however, to schedule special sessions annually with each of the eighteen local agencies and three counties within the District's boundaries.

Instead, the District should consider establishing a regional forum where local agencies, counties and the public are invited to attend to learn more about the District's activities. Alternatively, District staff might consider conducting study sessions at a subregional level to include, for instance, agencies on the Monterey Peninsula, North Monterey County and Santa Cruz County, and Salinas, South Monterey County and San Benito County. The City of Carmel-by-the-Sea would look forward to participating in such events.

*2. Monterey County and each Monterey County city and the Monterey County Housing Authority, in cooperation with LAFCO and AMBAG, should undertake a coordinated County wide effort to:*

- a. Identify unmet needs for housing for low-income residents;*
- b. Identify unused housing resources such as facilities at Fort Ord;*
- c. Identify appropriate locations for low-income housing to meet these needs; "appropriate" means housing accessible to employment, public transportation, schools, parks, recreation and adequate infrastructure (roads, sewage facilities.);*
- d. Consolidate the public management of the effort by designating a lead agency. Since the sole mission of the Monterey County Housing Authority is to address the need for housing for low-income residents in the County, the Housing Authority appears to be the logical lead agency to deal with this problem.*
- e. Assemble a management team from the Planning Department staff of the cities, the County and the Housing Authority. The team can seek assistance from the private sector, developers, land use lawyers and the staff of non-profit agencies who deal with and produce low-income housing.*

*f. Back this team with political authority. This can be done by the County, each of the Cities in Monterey County and the Monterey County Housing Authority agreeing on a mission statement and directing and authorizing the team to:*

*(1) Compile an inventory of the resources which can be pooled and devoted to solving the low-income housing needs such as:*

*(a) In lieu fees;*

*(b) Transient occupancy taxes where it can be demonstrated that employees of facilities generating such revenues reside in other communities because of housing costs. (When employees work in one community, but cannot afford to live there, the commute produces traffic which impacts local roads and law enforcement. The employees Also impact their place of residence by use of the infrastructure and schools.)*

*(c) State and Federal Grants.*

*(d) Foundation Grants.*

*g. Identify staffing, facilities and functions which can be eliminated if the responsibility and authority for dealing with this issue is assigned to one agency.*

*h. Delegate to the lead agency the authority to manage the planning and development and funding of low-income housing in Monterey County and fund this agency with the resources which would otherwise be managed by the cities and the County.*

Response: The Grand Jury report accurately notes that there is no coordinated regional effort within Monterey County to address low-income housing. This is due, in large part, to State Housing Law which requires "cities and counties to provide for their fair share of the housing needs for persons at all income levels within the area affected by a general plan of the city or county." Although efforts are made by the State to reduce the concentration of low-income housing in cities and counties which already have a disproportionate amount of low-income housing, this effort has been relatively unsuccessful because it ignores realities, such as the cost of land, build-out potential and job availability within different communities, and ignores the desires and cultural needs of different people. Moreover, this effort fails to recognize political realities

where some neighborhoods simply will not accept low-income housing in their neighborhoods without long, drawn-out legal battles.

In responding to the Grand Jury's recommendations, the City should help identify the reasons why low-income housing is not addressed on a regional basis. The region cannot "pool resources", as proposed in the report, if State Housing Law supersedes cities from addressing the problem regionally. In addition, the City could suggest alternatives that have proven to be quite successful in developing affordable housing, particularly for seniors, in Carmel. Since the adoption of the 1994 General Plan Housing Element, six low-income units have either been approved by the City on the basis of new procedures adopted in the Housing Element, including permit streamlining, floor area and density bonuses, and similar development incentives. Prior to 1994, the City had only two low-income units that had been established using the few incentives that existed at the time.

### III. RECOMMENDATION

Authorize the Mayor to forward a letter to the Monterey County Civil Grand Jury responding to the specific recommendations as identified in this report.

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020

June 16, 1997



Mr. Ken White, Mayor  
City of Carmel  
P.O. Box 600  
Carmel, CA. 93921

Dear Mayor White:

As you know, the 1996 Monterey Grand Jury issued its Final Report on January 29, 1997. The City of Carmel was asked to respond to this report in three areas:

Monterey Bay Area Unified Air Pollution Control  
District pages 21-25. Carmel was asked to  
respond to Recommendation 3 on page 25.  
Housing for Low-Income Residents in Monterey County  
pages 43-47. Carmel was asked to respond to  
the recommendations on pages 45 and 46.

For reasons unknown to use we have not received your responses to these two items.

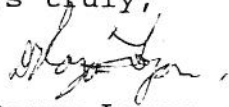
Domestic Violence in Monterey County page 77-86.

We have a letter dated January 30, 1997, from Chief Fuselier which is a very adequate response to the recommendations on Domestic Violence.

The Penal Code Requires those government bodies who are asked to respond to a Grand Jury Report to do so within a stated timeframe -- for cities it is 90 days, so we should have had your response by the end of April. Details of what should be in the responses are set out in Penal Code Section 933.05.

Of course we do not know whether this obligation was overlooked in your office, or whether your responses went astray, either on your end or ours. In either case we need to receive your responses as matter of some urgency.

Yours truly,

  
D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

DRAFT  
5-26-97

Grand Jury Stationery  
To: Gerry Gerbrandt for consideration by the  
Administration Committee  
Bob LeFevre for consideration by the  
Cities Committee

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City of Carmel  
P.O. Box 600  
Carmel, CA. 93921

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Attachment: Penal Code Section 933.05



# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020

June 16, 1997



Mr. Donald P. Fuselier  
Chief of Police  
City of Carmel  
P.O. Box 600  
Carmel, CA 93921

Dear Chief Fuselier:

Thank you for your letter of January 30, 1997, responding to the 1996 Grand Jury Final Report on Domestic Violence. As you will no doubt recall, the Grand Jury Final Report had 6 recommendations. Your department was asked to respond to 5 of the 6.

No doubt you are aware that the Penal Code section dealing with responses to Grand Jury Reports was revised in 1996. The new language is set out in Section 933.05 of the 1997 edition of the Penal Code.

The 1997 Grand Jury decided to study the responses to recommendations in the 1996 Report and to classify them in accordance with this revised code section. We think your responses can be classified as follows:

Penal Code Section 933.05(b)(1) Recommendation has been implemented:  
Recommendations 1, 2, 5 and 6

Penal Code Section 933.05(b)(2) Recommendation will be implemented, within a stated timeframe:  
Recommendation 4 except no timeframe is stated.  
We recognize the timeframe depends upon the actions of others, but perhaps you can use your influence to bear to get this done.  
We would like to know when it will be done by June 30, 1997.

Please let me know if you feel our classification of your responses is not right.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

DRAFT  
5-26-97

Grand Jury Stationery  
To: Mel Spehn for Consideration by  
the Health and Welfare Committee

Mr. Donald P. Fuselier  
Chief of Police  
City of Carmel  
p.o. Box 600, Carmel CA. 93921

Dear Chief Fuselier:

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Recommendations 1, 2, 5 and 6 *and*

Penal Code Section 933.05(b)(2) Recommendation will be implemented, within a stated timeframe:

Recommendation 4 except no time frame is stated. We recognize the timeframe depends upon the actions of others, but perhaps you can use your influence to bear to get this done. We'd like to know when it will be done by June 30, 1997

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*Attachment: Penal Code Section 933.05*

DRAFT  
5-26-97

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To: Mel Spehn for Consideration by  
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City of Carmel  
p.o. Box 600, Carmel CA. 93921

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D. Roger Loper, Foreman

*Attachment: Penal Code Section 933.05*





# CITY OF DEL REY OAKS

650 CANYON DEL REY ROAD • DEL REY OAKS, CALIFORNIA 93940

Police Department  
Ronald J. Langford  
Chief of Police

Non Emergency (408) 375-8525  
Business Office 394-9333  
Emergency 911

Monterey County Grand Jury  
P.O. Box 1819  
Salinas CA 93902

Re: Response to Domestic Violence Findings / Recommendations:

**Q-#3:** That each Police Department in the County, and the Sheriff's office designate an officer, or officers to develop expertise in Domestic Violence issues.

**Response #3:** Every member of the Del Rey Oaks Police Department received formal Domestic Violence training from D.D.A. Guy from the Monterey County District Attorney's Office Domestic Violence Unit.

The Police Department has standardized reporting forms specifically for Domestic Violence Cases. Officers carry "Element Sheets" in the field that assist them in interview techniques etc. All police vehicles have a 35m/m camera, and officers have been trained to document evidence according to the recommendations of the Monterey County District Attorney's Office.

**Q-#4(a):** Every Police Department and the Sheriff's Department make available to the public in a conspicuous place, which is accessible 24 hours a day, every day, the information specified by Penal Code section 13701.

**Response #4(a):** During business hours the following Information Pamphlets are available in our City Hall Lobby.

- Battered Women - California Department of Justice Crime Prevention Center
- Every 15 Seconds a Woman is Beaten - Office of Criminal Justice Planning
- Domestic Violence Handbook /A Victim's Guide /Office of the Attorney General
- Partner Abuse What you should know / Scriptography Inc.
- Violence in the family / Scriptography Inc.

- Personalized Safety Plan / Resource List
- Domestic Violence Self Help pamphlet / Resource List
- Monterey County District Attorney's Office Victim / Witness Information

The Del Rey Oaks Police Department Office is not staffed twenty-four hours a day. Officers carry this same material in their Police Vehicles, and have access to it twenty-four hours a day.

**Q-#4(b):** That the availability of the information be publicized frequently in a variety of media designed to reach every segment of the community, in order to ensure that individuals who need assistance are aware that help is available and that such information can be obtained without having to explain the reason for obtaining the information or for whom it is needed.

**Response #4(b):** The City of Del Rey Oaks publishes a City newsletter several times a year that is delivered free to every residence in the City. Using this forum, the Police Department will inform the citizens that Domestic Violence information is available at the Police Department or Del Rey Oaks Police Officers.

**Q-#7:** That a permanent, County wide, Police Officers' Domestic Violence Coordinating Council be formed to deal with Domestic Violence issues. The Council should be composed of specially designated officers or, if no officer is designated, then the Police Chief or the Chief's designee or the Sheriff or his designee. Goals a, b, c, d, e, f, g, h, i, j, k, l.

**Response #7:** I support the recommendations of the Grand Jury to develop a County Wide Domestic Violence Coordinating Council with the established goals as outlined.

**Q-#1:** Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701(c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.

**Response #1:** The following information is available to anyone during the normal business hours of our City, in a display case in the lobby. Unfortunately the Police Station is not staffed twenty-four hours a day, so on duty officers carry the same materials in their police cars. All City staff that a victim may come into contact with has been familiarized with this procedure.

- Del Rey Oaks Police Department General Order 87-01: Domestic Violence Policy.
- Pamphlet / Battered Women - Cal DOJ.
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**Q-#2:** All law enforcement agencies, Judges, and Probation Officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.

**Response #2:** All members of the Del Rey Oaks Police Department have access to the current Lethality List provided by the Monterey Y.W.C.A. This document is reviewed at the time of booking and filing.

**Q-#3:** The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. This money could come from the Monterey County Board of Supervisors or grants.

**Response #3:** I support the need for electronic monitoring of abusers. It is important that we are current on all new technology that would enhance our ability to deal with Domestic Violence.

**Q-#4:** The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.

**Response #4:** Our goal is to have each Del Rey Oaks Police Officer be a Domestic Violence expert. This is accomplished by sending officers to P.O.S.T. Domestic Violence Investigation Schools. We have begun this process by requiring all officers to complete training with the Monterey County District Attorney's Office Domestic Violence Unit. This training has been completed.

**Q-#5:** All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.

**Response #5:** Officers have received familiarization training in EPOs. They also carry Element Cards with them that assist in their decision making in the field. Officer Villarreal and I have received additional training in EPOs and are on call twenty-four hours a day for that response.

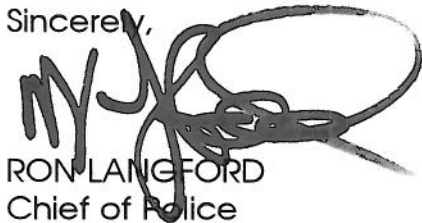


**Q-#6:** Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.

**Response #6:** We are currently looking towards different ways to educate our community. Consideration for making presentations on Domestic Violence at community meetings such as the Citizens Action Committee, Neighborhood Watch, and NERT.

I have attempted to answer your questions to the best of my ability. I look forward to working with the Grand Jury so that we may have a comprehensive response to Domestic Violence. I believe our response to the two Domestic Violence calls my officers received last year were professional, and reflected the desires of the Grand Jury's requirements.

Sincerely,

A handwritten signature in dark ink, appearing to read 'RON LANGFORD', with a large, stylized flourish extending from the end of the signature.

RON LANGFORD  
Chief of Police  
4/23/97





# CITY OF DEL REY OAKS

650 CANYON DEL REY ROAD ♦ DEL REY OAKS, CALIFORNIA 93940

Police Department  
Ronald J. Langford  
Chief of Police

Non Emergency (408) 375-8525  
Business Office 394-9333  
Emergency 911

Monterey County Grand Jury  
P.O. Box 1819  
Salinas CA 93902

*Copied to Faith  
Kitty  
Richard  
Mick  
Mick*

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**Q-#6:** Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.

**Response #6:** We are currently looking towards different ways to educate our community. Consideration for making presentations on Domestic Violence at community meetings such as the Citizens Action Committee, Neighborhood Watch, and NERT.

I have attempted to answer your questions to the best of my ability. I look forward to working with the Grand Jury so that we may have a comprehensive response to Domestic Violence. I believe our response to the two Domestic Violence calls my officers received last year were professional, and reflected the desires of the Grand Jury's requirements.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Ron Langford', written over a large, light-colored oval shape.

RON LANGFORD  
Chief of Police  
4/23/97



# CITY OF DEL REY OAKS

650 CANYON DEL REY ROAD ♦ DEL REY OAKS, CALIFORNIA 93940

OFFICE OF Mayor

TELEPHONE (408) 394-8511

The Honorable Jonathan Price  
Presiding Judge of the Supreme Court  
County of Monterey  
P.O. Box 414  
Salinas, CA 93902

*Copies To:*  
*Faith*  
*Setty*  
*Rehman*  
*Mel*  
*WHL 5/2*

Re: 1996 Monterey County Civil Grand Jury Report

Dear Judge Price:

Attached you will find the City of Del Rey Oaks responses to the 1996 Monterey County Civil Grand Jury final report on the following three (3) subject matters:

- a) Monterey Bay Unified Air Pollution Control District
- b) Housing for Low-Income Residents in Monterey County
- c) Domestic Violence Follow-Up Report

These items were placed on the March 18, 1997 Del Rey Oaks City Council meeting agenda. All of these items were discussed by the Del Rey Oaks City Council and the following attachments are the results of those discussions. The City of Del Rey Oaks agrees with the Grand Jury Findings.

The Council of the City of Del Rey Oaks agreed that the cities staff and the Air Districts staff arrange for the Air Districts executive officer to attend a Del Rey Oaks City Council meeting for the purpose of educating the Del Rey Oaks City Council and its citizens about issues related to the Air Districts mission, goals and objectives.

In addition to this it was decided at the April 4, 1997 Monterey County Mayors Select Committee that the executive officer, Douglas Quetin, will be asked to make a special presentation to all cities at once, to discuss regulatory issues as well as air quality issues.

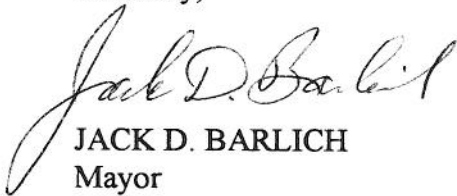
The City of Del Rey Oaks City Council agreed to participate in the regional wide efforts designed to deal with the issue of low income housing and affordable housing in Monterey County. The Del Rey Oaks City Council agreed to assign staff time to the City Manager for the purpose of attending planning efforts related to this issue. In 1996 this issue was discussed at a summit meeting that included Monterey County Supervisors, Mayors and Councilmembers from the incorporated cities of Monterey County. This was a joint effort by the county and the cities to start a dialogue toward identifying the complex issues related to low and affordable housing.

Judge Price  
Page Two

The City of Del Rey Oaks Police Department has received formal training in domestic violence. Information on domestic violence is available at Del Rey Oaks City Hall. The City of Del Rey Oaks goal is to ensure that all personnel in the Del Rey Oaks Police Department become fully informed in all areas of domestic violence.

The enclosed Del Rey Oaks responses are hereby submitted for the Grand Jury's consideration. If you have any questions, please call me or the City Manager, Steve Endsley at 394-8511.

Sincerely,



JACK D. BARLICH  
Mayor

JDB:sas

Enclosure: Del Rey Oaks Responses to 1996 Grand Jury Final Report

cc: City Council



**CITY OF DEL REY OAKS  
INTEROFFICE MEMORANDUM**

**TO:** Mayor

**FROM:** D. Steve Endsley, City Manager

DS2

**DATE:** April 24, 1997

**SUBJECT: Del Rey Oaks Response to 1996 Monterey County Civil Grand Jury Findings**

The following is the status of City of Del Rey Oaks formal responses to findings of the 1996 Monterey County Civil Grand Jury. They deal with the subject areas of the Monterey Bay Unified Air Pollution Control District, Housing for Low Income residents in Monterey County, and a follow-up report on Domestic Violence. The City has complied with Grand Jury requests in all areas.

1. Monterey Bay Unified Air Pollution Control District.

At its City Council meeting of March 18, 1997, the Del Rey Oaks City Council approved my recommendation to agree to invite the Executive Officer of the Air Pollution Control district and appropriate staff, to attend a Del Rey Oaks City Council meeting on a once a year basis or as needed, to educate our City Council and citizens about issues related to the District's mission. We stand ready to schedule such a meeting in full compliance with the Grand Jury's findings. In addition, it is my understanding that the Monterey County Mayor's Association has asked that such meetings with individual City Councils be replaced by a more comprehensive regionwide forum to be held in conjunction with previously scheduled "Summits". This too falls within the purview of the Del Rey Oaks City Council action of March 18.

2. At its City Council meeting of March 18, 1997, the Del Rey Oaks City Council agreed to participate in a region-wide effort to deal with the issue of affordable housing for low income residents of Monterey County. The City Council readily agreed to assign staff time for attendance at planning efforts relative to this issue. In addition, as per the 1996 Status of Housing Elements in California: A Report to the Legislature, the City of Del Rey Oaks was found to be in compliance with State Housing Element Law, a portion of which is devoted to the development of plans to encourage provision of affordable housing to low income residents. Approved in May of 1993, the Del Rey Oaks Housing Element includes emphasis on in-fill housing and additional second units in a largely built-out locale. The City has in fact added a new Single Family Dwelling each of the past two years, and several second units and additions under this policy, easing some of the pressure on housing prices and rents. The City anticipates continued efforts in this direction in the near future.

3. Domestic Violence Follow-up report.

The City's Police Chief has compiled a detailed follow-up response detailing City efforts in the area of Domestic Violence and City efforts to combat same. This detailed response is attached.

# Grand Jury

---

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Jack D. Barlich, Mayor  
City of Del Rey Oaks  
650 Canyon Del Rey Road  
Del Rey Oaks, CA 93940

Dear Mayor Barlich:

Thank you for your letter of responses to the 1996 Monterey County Grand Jury Final Report. As you probably know, the Penal Code sections dealing with Grand Jury activities were extensively revised in 1996. In a bill signed into law on September 30, 1996, changes were made in various provisions of the Penal Code, including Section 933.05 which now defines in some detail what constitutes satisfactory response to each Grand Jury finding and recommendation.

With reference to the recommendations only of the 1996 Grand Jury Final Report, the 1997 Grand Jury has classified your responses as follows:

"Penal Code Section 933.05(b)(1) The recommendation has been implemented, with a summary regarding the implemented action."

If you feel we have misunderstood your responses, please let us know. We recognize that some of the recommendations require initiation by others. (For Example, 1d under the project "Housing for Low-income Residents of Monterey County"); your response indicates willingness to cooperate when the proposed lead agency is identified and empowered.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05



DRAFT  
5-24-97

Grand Jury Stationery  
To: Bob LeFevre for Cities Committee Consideration (Housing  
Gerry Gerbrandt for Administration Committee  
Consideration (MBUAPCD)  
Mel Spehn for Health and Welfare Committee  
Consideration (Domestic Violence)

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Yours truly,

D. Roger Loper, Foreman

*Attachment: Penal Code Section 933.05*





*City of Gonzales*

PHONE (408) 675-5000  
FAX (408) 675-2644

P.O. BOX 647

147 FOURTH ST.

GONZALES, CALIFORNIA 93926

*MS 4/17/97*

## **RESPONSE TO GRAND JURY RECOMMENDATIONS**

### **HOUSING FOR LOW-INCOME RESIDENTS IN MONTEREY COUNTY**

**RECOMMENDATION #1 - CITY RESPONSE:** The City is willing to work jointly with other agencies to identify unmet needs and to explore possibilities for joint- programs to address these needs.

General Comments: The local governing bodies (i.e. the City Councils within incorporated jurisdictions) are best suited to identify the appropriate type, density and location of housing targeted for low-income residents. The City of Gonzales has a requirement that 10% of all units constructed in a subdivision be available to low-income residents. Gonzales is considering increasing this requirement to 15%. Developers must provide the units and cannot meet the requirement through a cash payment, which ensures that the units are constructed and the housing is provided. Gonzales, along with the other three South Monterey County cities, have a good record of providing it's fair-share of housing for low-income residents.

### **MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT**

**RECOMMENDATION #3 - CITY RESPONSE:** The City of Gonzales endorses the idea that a briefing by the Air Pollution Control Officer be scheduled for an upcoming Monterey County Summit (which includes the City Councils of the twelve cities and the Board of Supervisors).



## City of Gonzales

PHONE (408) 675-5000  
FAX (408) 675-2644

P.O. BOX 647

147 FOURTH ST.

GONZALES, CALIFORNIA 93926

*Copies to Faith  
Kittling  
Proctor  
M.L.  
H.L. 5/2*

TO : Honorable Jonathan Price  
Presiding Judge of the Superior Court  
County of Monterey

FROM : R. Green, Police Chief City of Gonzales

DATE : April 27, 1997

RE : Required Grand Jury Responses

Your Honor:

I fully support and agree that the severity of Domestic Violence in Monterey County is a very serious issue that must be dealt with at every level within our system. While it is understood that Monterey County is not alone in addressing this issue, I never-the-less must commend the members of the Grand Jury on their excellent and dedicated study into the impact Domestic Violence is having in our communities and society at large.

One suggestion I would like to propose is that each law enforcement agency in the county should be systematic and consistent in the application and interpretation of the elements that constitute Domestic Violence. From reading the Grand Jury report, it seems there are agencies that interpret the reporting requirements differently from others.

Concerning recommendation number three: that each police department in the County, and the Sheriff's Office designate an officer, or officers to develop expertise in Domestic Violence issues. I would respond by initially agreeing that this recommendation should be followed through by all agencies within Monterey County. One caveat to this however would be that the training be consistent and provided by P.O.S.T. or another recognized training agency that will withstand the scrutiny that can be contested in the courts. Our goal is and should be the safety and well being of the victim, without infringing on the rights of the accused. As mentioned earlier, consistency in theory and application is most important.

Recommendation number seven: that a permanent, County wide, Police Officers' Domestic Violence Coordinating Council be formed to deal with Domestic Violence issues. The Council should be composed of specially designated officers or, if no officer is designated, then the Police Chief or the Chief's designee or the Sheriff or his designee [attend]. The Goals and functions a through l are listed as Council's charge.

In response to this recommendation and the charges of the Council, I again can agree with the importance and value of each goal and function of the Council's charge.

- a. **Monitoring compliance with and assuring effective enforcement of Domestic Violence laws.** This charge almost echos my earlier suggestion that consistency is the key. We must all be on the same page and stay together in the application of Domestic Violence laws.
- b. **Developing and operating continuing education programs for local law enforcement personnel on Domestic Violence issues.** Again, I would agree to a recognized state approved training program as the foundation. We may also receive training from the local medical and shelter personnel as long as it is consistent with our foundation training.
- c. **Identifying problems and unmet needs and developing solutions.** There are probably a multitude of unmet needs within the County that could be adequately identified and addressed regarding domestic violence issues. We may not realistically expect to conquer them all, but this would be a good avenue of charge.
- d. **Researching successful programs in other California communities as a means of improving local programs.** Most definately. Why reinvent the wheel? If something proves successful in one community it is an excellent starting point for another. Depending upon personnel and budget constraints, with some minor modifications we may be able to transfer successful programs to our local communities.
- e. **Providing routine reports to City Councils and the Board of Supervisors on Domestic Violence, resources needed, and remedial efforts in place or needed.** I have been providing monthly reports on all crimes including Domestic Violence to my Council for a number of years. This is good practice to keep them aware of what is occuring in their city.

- f. Encouraging other City and County departments and City Councils and the Board of Supervisors, to undertake continuing efforts to deal with Domestic Violence and seek a better understanding of the problems and cost of compliance with and enforcement of Domestic Violence laws. Law enforcement in general and the proposed D.V. Council in particular may not be the best vehicle to accomplish this charge. This would appear to be out of the realm of law enforcement and into the political arena. Perhaps a better vehicle would be to enlist the Mayor's Association in the County to exert the political pressure that may be necessary to accomplish this charge.
- g. Working with the District Attorney and special Domestic Violence units to coordinate prosecution of Domestic Violence crime and uniform enforcement of restraining orders. While this charge is certainly a necessary element for success, I believe this attitude already exists. Having been in Monterey County and in law enforcement over twenty years, I have nothing but praise for District Attorney Dean Flippo and his staff in taking Domestic Violence as a very serious issue regarding prosecution. Restraining Orders to my knowledge are finally being enforced on a consistent basis in Monterey County.
- h. Working with the Presiding Judge of the Superior Court to improve the judicial administration and handling of Domestic Violence cases. This is an excellent opportunity to work hand in hand. I would look forward to this.
- i. Working with public and private Social Service agencies to improve compliance and enforcement, to develop better victim assistance programs, and develop more effective preventive and remedial efforts. In order for the Council to be effective, public and private social service agencies including the medical field must be included.
- j. Conducting ongoing reviews of protocols with the goal of adapting the common protocol to changing conditions and circumstances, and improving it's effectiveness. The only thing that is consistent is change. We must be kept up to date and consistent in our application.



**Table III**  
**Affordable Housing Built from**  
**1985-1990**

Housing Development

	<i>units</i>
Gabilan Estates	61
Elwood Estates	22
The Meadows	68
Tom Rogers Subdivision	18
Primavera Court	28
Scattered in-town sites	<u>83</u>
<b><i>all affordable housing units 1985-1990</i></b>	<b>280</b>
<b><i>all single-family dwellings built 1985-1990</i></b>	<b>461</b>
<b><i>% of affordable single-family units to all housing</i></b>	<b>61%</b>

*From 1985-1990, there were a total of 461 single-family dwellings constructed within City limits. Of these 461 units, 280 were affordable to low and very-low income households. This results in 61% of all houses built in 1985-1990 to be considered "affordable."*



All Housing Types Built from 1990-1996

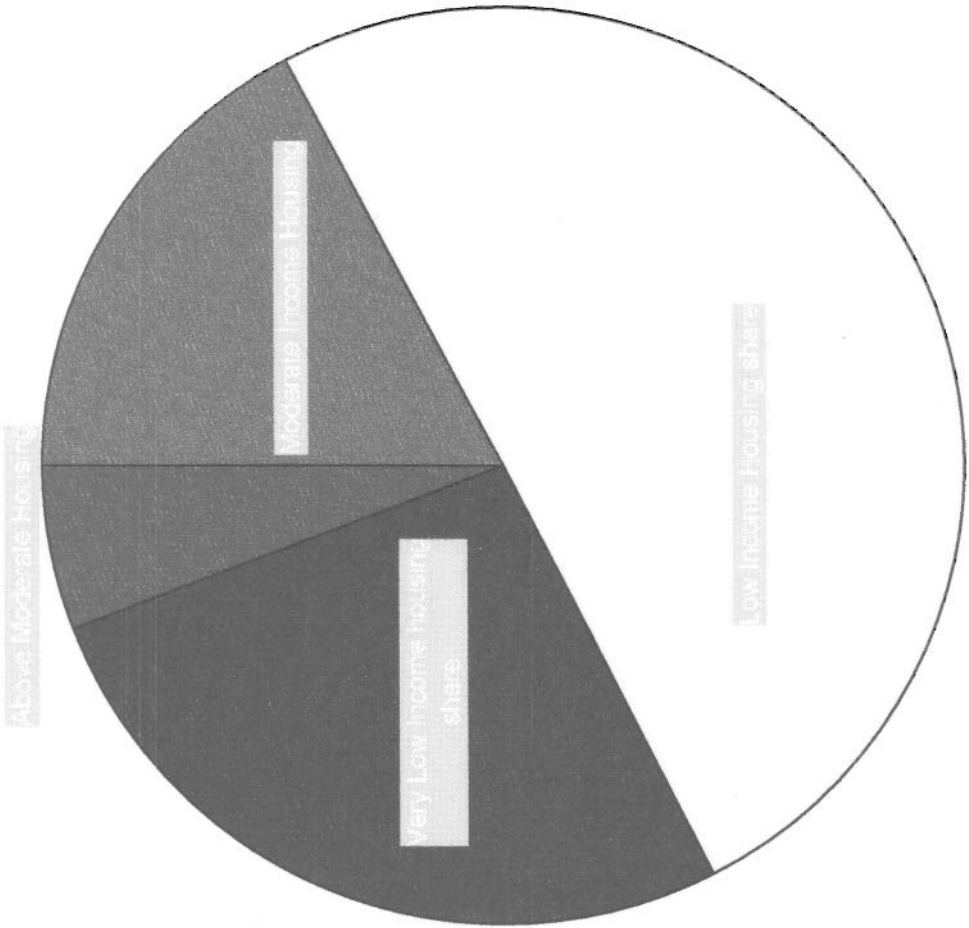
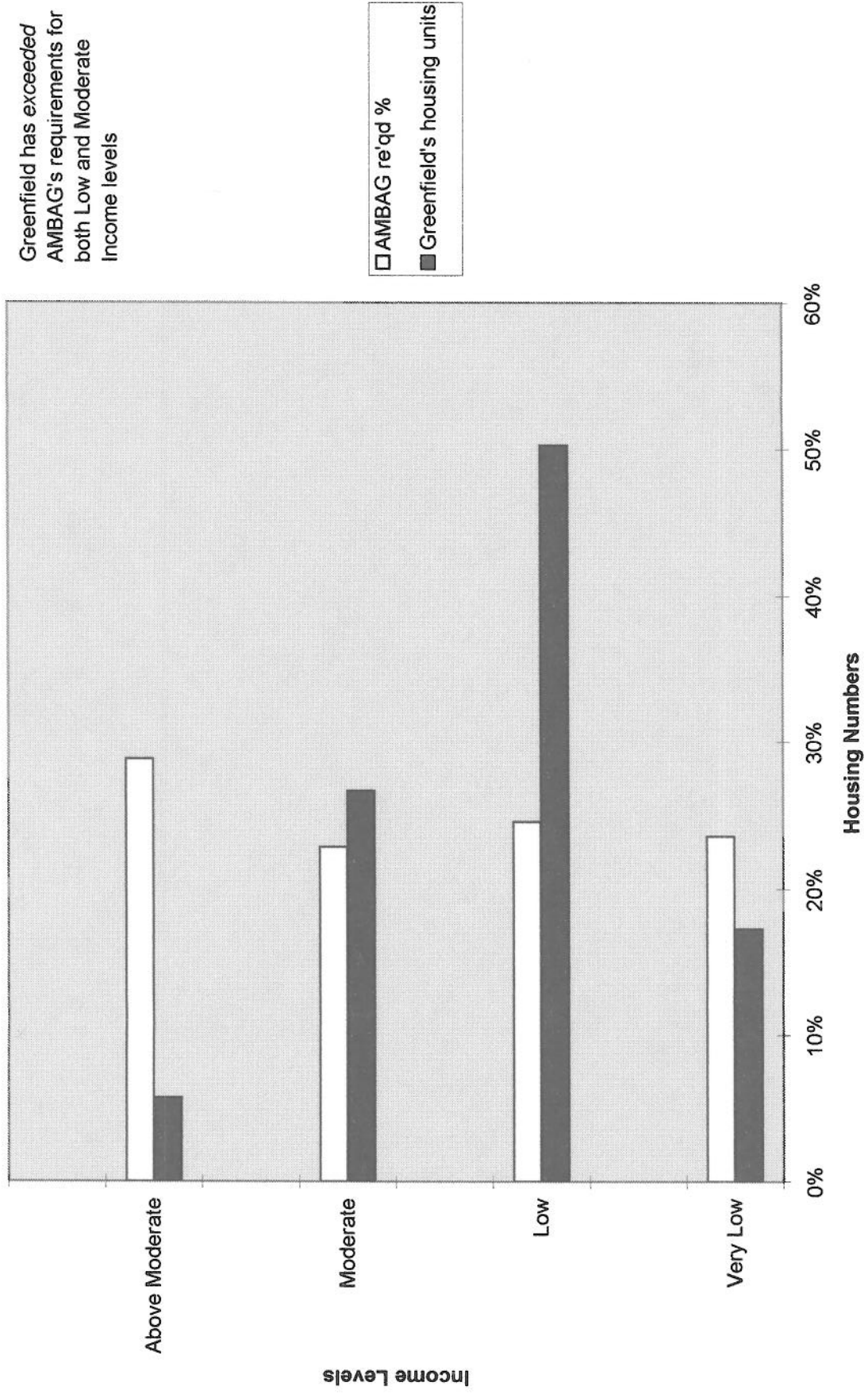


Chart3

### Greenfield's Housing Stock by Affordability Levels 1990-1996



# Grand Jury

---

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. R. Green, Police Chief  
Gonzales Police Department  
P.O. Box 647  
Gonzales, CA 93926

Dear Chief Green:

Thank you for your letter of April 27, 1997, responding to the 1996 Grand Jury Final Report section on Domestic Violence. Your reply is thoughtful and thought provoking.

We also received an undated memo on City of Gonzales stationery with responses to the final report items on Housing for Low-income Residents of Monterey County and the section concerning the Monterey Bay Unified Air Pollution Control District. Perhaps you could pass a copy of this letter on to persons in the Gonzales City Government who are interested in these items.

As you may know, those sections of the California Penal Code defining the nature and content of responses to Grand Jury Final Reports were revised by the California Legislature in 1996. The new rules, which appear in the 1997 edition of the Penal Code, require responses to be in one of four acceptable forms. The 1997 Grand Jury is assigning the responses to the recommendations of the 1996 Grand Jury Final Report into these categories. The Gonzales responses have been included in the following category:

"Penal Code Section 933.05(b)(1) The recommendation has been implemented, with a summary regarding the implemented action."

Your response to the Domestic Violence section of the 1996 Final Report fully qualifies to be in this category. The summaries provided for the other two are not as thorough, but they indicate willingness to respond positively, depending upon the necessary actions of others.

If you think our categorizing of the responses is not correct, please let us know.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

DRAFT  
5-35-97

Grand Jury Stationery  
To: Gerry Gerbrandt for Administration Committee  
Consideration (MBUAPCD)  
Bob LeFevre for Cities Committee Consideration  
(Housing)  
Mel Spehn for Health and Welfare Committee  
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Yours truly,

D. Roger Lopez, Foreman

Attachment: Penal Code Section 933.05

J. R. Green  
Gonzales Police

and p



# Greenfield Police Department



February 26, 1997

Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P.O.Box 1819  
Salinas, California 93902

RE: Response to 1996 Grand Jury Final Report  
Recommendations

Honorable Judge Price,

The following is my response to the recommendations stated in the 1996 Grand Jury's Final Report which pertains to our police department Domestic Violence procedures. I hope that my responses are satisfactory.

Recommendation #1 Respondent agrees with the finding and recommendation implemented:

Domestic Violence packets are available in our police department lobby in english and spanish during normal business hours. After normal business hours a copy of the Greenfield Police Domestic Violence packet may be requested by contacting the duty officer. Officers dispatched to a Domestic Violence call have Domestic Violence packets in their possession to provide to victims of Domestic violence.

Recommendation #2 Respondent agrees with finding and recommendation implemented :

Our police department is using a " Lethality List" to determine if the Domestic Violence abuser is a deadly threat to someone else or themselves.

Recommendation #3 Respondent agrees with recommendation:

Electronic warning devices should be obtained by the Probation Department with funds made available by the Board of Supervisors or by using grant funds.

Response to Grand Jury Recommendations cont

Page 2

Recommendation #4 Respondent agrees with finding and recommendation:

As a member of the Monterey County Chief Law Enforcement Officer's Association utilizing P.O.S.T funded training and a joint agency work session.

Recommendation #5 Respondent agrees with findings and recommendation is implemented:

Officer of the Greenfield Police Department receive ongoing training in regards to Emergency Protective Orders and have obtained E.P.O. on several occasions in the past. Officers use the Lethality List to determine if a E.P.O. is issued.

Recommendation #6 Respondent agrees with findings and recommendation:

The Greenfield Police Department will continue to curb the cycle of Domestic Violence within our community by utilizing every means possible in order to educate our citizens of the seriousness of Domestic Violence. Our department will work with other agencies and organizations in order to prevent the senseless taking of a human life in a domestic situation. I would like to inform you that our department records all calls of Domestic Violence.

If I can be of any other assistance, please feel free to contact me.

A handwritten signature in dark ink, appearing to read "J.M. Romo", followed by a long horizontal line extending to the right.

J.M. Romo, Chief of Police  
Greenfield Police Department



# Greenfield Police Department



February 18, 1997

Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P.O.Box 414  
Salinas, California 93902

RE: Response to 1996 Grand Jury Final Report  
Recommendations #3, #4, and #7.

Honorable Judge Price,

The following is my response to the recommendations stated in the 1996 Grand Jury's Final Report which pertains to our police department. I hope that my responses are satisfactory.

Recommendation #3 Respondent agrees with the finding and recommendation implemented:

I have appointed Corporal Miguel Cabrera as our department's Domestic Violence Officer. Corporal Cabrera is bi-lingual and has assisted in many Domestic Violence situations.

Recommendation #4 Respondent agrees with finding and recommendation implemented :

a. Our department has Domestic Violence information available to the public in our police department lobby. After hours the information is available via on duty officers as we are not a 24 hour facility. All calls of Domestic Violence are recorded and information made available to involved parties.

b. Domestic Violence information will be available to the Greenfield News paper and K.R.K.C. Radio station for dissemination to our citizens.

Response to Grand Jury Recommendations cont  
Page 2

Recommendation #7 Respondent agrees with finding and recommendation will be implemented as soon as the council is formed:

Corporal Miguel Cabrera will be my assigned officer to the Police Officer's Domestic Violence Coordinating Council upon it's formation.

If I can be of any other assistance, please feel free to contact me.

A handwritten signature in dark ink, appearing to read "J.M. Romo", followed by a long horizontal line extending to the right.

J.M. Romo, Chief of Police  
Greenfield Police Department

grandjuryres96

# Grand Jury



P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020

June 16, 1997

Mr. Tom A. Odom, City Manager  
City of Greenfield  
P.O. Box 127  
Greenfield, CA 93927

Dear Mr. Odom:

Thank you for your March 5, 1997, letter of response to the 1996 Grand Jury Final Report. Your letter was addressed to Judge Price, who forwarded it to me for study and reply by the 1997 Grand Jury.

Your letter shows that a diligent and successful effort has been made by the City of Greenfield to provide affordable housing. However, it does not really tell us of your reaction to the Grand Jury recommendations as found on pages 45 and 46 of the 1996 Grand Jury Final Report. These recommendations concerned a coordinated county-wide effort to assess, compare and improve the attack on the problem of housing for low income residents of Monterey County.

I would like to call your attention to Penal Code Section 933.05(b), a revised section of the 1997 Penal Code, which reflects changes proposed by the legislature and signed into law on September 30, 1996. This revised section of the code defines in some detail the way responses are to be made to Grand Jury reports.

From your letter, we believe you are entirely satisfied with the state of affairs with regard to affordable housing in the City of Greenfield. Perhaps it is too large a step to say that because of your record you see no benefit to the recommended county-wide coordination. But our reading of your letter has indicated to us that the response of the City of Greenfield to the recommendations 1a through 1h in the 1996 Grand Jury Report is as follows:

"Penal Code Section 933.05(b)(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor."

In our summary of responses we plan to classify the Greenfield response in this way unless you advise us that our assumptions based on your letter are in error.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

DRAFT  
5-16-97

Grand Jury Stationery

To: Bob LeFevre for Cities  
Committee Consideration

Tom A. Odom, City Manager  
City of Greenfield  
PO Box 127  
Greenfield, CA. 93927

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DRAFT  
5-16-97

Grand Jury Stationery

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Committee Consideration

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City of Greenfield  
PO Box 127  
Greenfield, CA. 93927

Dear Mr. Odom:

Thank you for your March 5, 1997 letter of response to the 1996 Grand Jury Final Report. Your letter was addressed to Judge Price, who forwarded it to me for study and reply by the 1997 Grand Jury.

Your letter shows that a diligent and successful effort has been made by the City of Greenfield to provide affordable housing. However, it does not really tell us of your reaction to the Grand Jury recommendations as found on pages 45 and 46 of the 1996 Grand Jury Final Report. These recommendations concerned a coordinated countywide effort to assess, compare and improve the attack on the problem of housing for low income residents of Monterey County.

I would like to call your attention to Penal Code Section 933.05(b), a revised section of the 1997 Penal Code, which reflects changes proposed by the legislature and signed into law on September 30, 1996. This revised section of the Code defines in some detail the way responses are to be made to Grand Jury reports.

From your letter, we believe you are entirely satisfied with the state of affairs with regard to affordable housing in the City of Greenfield. Perhaps it is too large a step to say that because of your record you see no benefit to the recommended countywide coordination. But our reading of your letter has indicated to us that the response of the City of Greenfield to the recommendations 1a through 1h in the 1996 Grand Jury report is as follows:

"Penal Code Section 933.05(b)(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor."

In our summary of responses we plan to classify the Greenfield response in this way unless you advise us that our assumptions based on your letter are in error.

Yours truly,

D. Roger Loper Foreman

*Attachment: Penal Code Section 933.05*



# City of Greenfield

CITY HALL: P.O. Box 127/ Greenfield, California 93927 / (408) 674-5591  
CORPORATION YARD: (408) 674-2635

Rec'd  
4/8/97  
[Signature]

March 5, 1997

Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P.O. Box 414  
Salinas, CA 93902

**Subject:** *Response to 1996 Grand Jury Final Report  
Housing for Low-Income Residents in Monterey County*

Dear Judge Price:

The following is in response to the 1996 Grand Jury Final Report regarding the above referenced subject.

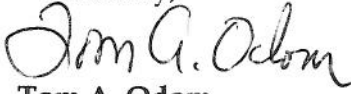
The City of Greenfield works diligently to provide affordable housing for its residents although declining local revenues and reduced state and federal funding have made it virtually impossible to address this issue effectively.

Between time periods of 1990 -1996, a total of five hundred forty-three (543) affordable housing units have been constructed in the City. Prior to 1990, four hundred sixty-one (461) Single family housing dwellings were constructed in the City. Approximately 61% of those homes are considered to be affordable. (I have attached a recent report of affordable housing in Greenfield for your reference.) The percentages reflected in the categories of very low income, low income, moderate income, and above moderate income indicate the City is performing at an above average rate in providing affordable housing in Monterey County.

Hopefully, the housing tables contained in the report will serve as a clear illustration of Greenfield's positive contribution to affordable housing in Monterey County.

In addition, the Greenfield City Council recently adopted a Density Bonus Ordinance. The purpose of the ordinance is to encourage developers of otherwise market rate housing to include affordable units or senior housing units in their proposed projects through consideration of a density bonus over the otherwise maximum permissible number of units. The density bonus would operate to increase the number of units for a site so that the per-unit cost of construction may be reduced with the savings passed on in the form of affordable housing for a portion of the project.

Please let me know if you should have any questions or require additional information in regards to affordable housing in the City of Greenfield.

Sincerely,  
  
**Tom A. Odom**  
**City Manager**

cc: Mayor & City Council



# Greenfield's Affordable Housing

Update Report  
January 3rd, 1997

Report to the City Council, City of  
Greenfield

**Table I**  
**AMBAG's Construction Goals by Income**  
**1990-1996**

*housing units*

<b>Very Low Income</b>	231	percentage of overall goals	23.60%
<b>Low Income</b>	241	percentage of overall goals	24.60%
<b>Moderate Income</b>	224	percentage of overall goals	22.90%
<b>Above Moderate Income</b>	<u>283</u>	percentage of overall goals	28.90%
	<b>979</b>	<b>total percentage</b>	<b>100.00%</b>

**Table II**  
**All Units To Be Constructed from 1990-1996\***

<b>Subdivision</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Moderate</b>	<b>Above Moderate</b>	<b>Total Subdivision</b>
Las Ventanas	10	30	0	0	40
Villa Santa Clara*	8	22	0	0	30
Tyler Park Townhomes*	22	66	0	0	88
Vista Paraiso	9	25	58	12	104
Camino al Paraiso	24	70	0	0	94
Palo Verde Estates	0	0	0	19	19
Greenfield Victorian Village	6	18	23	0	47
Oxford Court	10	30	64	0	104
Scattered in-town sites	<u>5</u>	<u>12</u>	<u>0</u>	<u>0</u>	<u>17</u>
<b>City's existing affordable units</b>	<b>94</b>	<b>273</b>	<b>145</b>	<b>31</b>	<b>total units 543</b>
<b>Greenfield's housing units</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above Moderate</b>	
AMBAG re'qd %	17%	50%	27%	6%	
	23.60%	24.60%	22.90%	28.90%	

\*These numbers are those required by existing subdivision approvals.  
Please Note: In the Very Low Income category, the City, at 17%, is close to AMBAG's stated goal of 23.6%.  
The City more than doubled AMBAG's stated goal of 24.6% for low housing, constructing 50% of its' units as affordable housing.

# Grand Jury

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P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. J.M. Romo, Chief of Police  
Greenfield Police Department  
P.O. Box 306  
Greenfield, CA 93927

Dear Chief Romo:

Thank you for your letters of February 18 and February 26, 1997, in response to the 1996 Grand Jury Final Report on Domestic Violence.

The 1997 Grand Jury is classifying all responses to the 1996 report in accordance with the revised sections of the Penal Code which appear in the 1997 edition, specifically Section 933.05. We think your response is in accordance with Penal Code Section 933.05(b)(1), i.e., the recommendations have been implemented as far as possible by the City of Greenfield. There are some of the recommendations which require coordinated action to be initiated by others, and you cannot complete those until the required actions are completed which are outside of your control.

If you feel we have misinterpreted your letters, please let us know.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

DRAFT  
5-26-97

Grand Jury Stationery  
TO: Mel Spehn for Consideration by  
the Health and Welfare Committee

Mr. J.M. Romo, Chief of Police  
Greenfield Police Department  
P.O. Box 306  
Greenfield, CA. 93927

Dear Chief Romo:

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Yours truly,

D. Roger Loper, Foreman

ATTACHMENT: Penal Code Section 933.05





*City  
of  
King*

212 SOUTH VANDERHURST  
KING CITY, CALIFORNIA 93930  
PHONE (408) 385-3281  
FAX (408) 385-6887

June 19, 1997

Mr. Roger Loper, Foreman  
Grand Jury  
P.O. Box 1819  
Salinas, CA 93902

Dear Mr. Loper:

Please accept my apologies for this late response involving Grand Jury recommendations with regard to the Monterey Bay Unified Air Pollution Control District.

Maintaining a working relationship with the District has not been a concern for us. I serve on the Air District Board representing the four South County Cities. This involvement allows us to not only be aware of District actions, but also to participate in District decision-making as a Board Member.

The cities in Monterey County recently discussed the Grand Jury recommendation for District personnel to regularly visit each community. It was generally felt that a more productive approach would be for District issues and matters to be presented in a City Forum format. These forums are scheduled as needed, and include the benefit of having all the cities present for a discussion of items on the agenda. As an Air District Board Member and Mayor, I feel this approach would be more effective in keeping in touch with the District than having fifteen or more briefing sessions with individual cities.

Aside from my participation as a District Board Member, our city receives the agendas of District meetings, copies of the District's budget, and references for new rule changes being considered. This allows us to track any matters of interest. We also feel comfortable in contacting the staff of the District should matters of interest arise.

I hope these comments are of assistance to you.

Sincerely,

*John L. Myers*  
John L. Myers  
Mayor



# Grand Jury

---

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Tom Slawson, Chief of Police  
City of King  
415 Bassett Street  
King City, CA 93930

Dear Chief Slawson:

Thank you for your letter of February 19, 1997, which responds to the 1996 Grand Jury Final Report item on Domestic Violence. As I am sure you know, the California Legislature revised the definitions and requirements for responses to Grand Jury Reports in 1996. The 1997 edition of the Penal Code includes these revised requirements.

The 1997 Grand Jury is categorizing all responses received to the 1996 Final Report. We feel your report is fully responsive, and have included it in the following category:

"Penal Code Section 933.05(b)(1) The recommendation has been implemented, with a summary regarding the implemented action."

Please let us know if you feel this is not the correct interpretation of your letter.

Yours truly,

D. Roger Loper, Foreman

cc: Mr. John L. Myers, Mayor of King City

Attachment: Penal Code Section 933.05

DRAFT  
5-24-97

Grand Jury Stationery  
TO: Mel Spehn for Health and Welfare Committee  
Consideration (Domestic Violence)

Mr. Tom Slawson, Chief of Police  
City of King  
415 Bassett Street  
King City, CA. 93930

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Yours truly,

D. Roger Loper, Foreman

cc:Mr. John L. Myers, Mayor of King City

*Attachment: Penal Code Section 933.05*

DRAFT  
5-24-97

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Yours truly,

D. Roger Loper, Foreman

cc:Mr. John L. Myers, Mayor of King City

Attachment: Penal Code Section 933.05

# KING CITY POLICE DEPARTMENT

Tom Slawson  
Chief of Police

February 19, 1997

Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P.O. Box 1819  
Salinas, CA 93902

RECEIVED  
FEB 26 1997  
SHERRI L. PEDERSEN  
CLERK OF THE SUPERIOR COURT  
DEPUTY

Honorable Judge Price,

The following is my response to the recommendations made in the 1996 Grand Jury Final Report on Domestic Violence.

As per recommendation #1, the King City Police Department does comply with California Penal Code Section 13701 (c) in that domestic violence informational packets are clearly marked and available to the public in the lobby of the police station. Individuals can obtain such copies without contacting either an officer or a clerk anytime the police department is open to the public, i.e. Monday - Friday, 8:00 a.m. to 5:00 p.m. Any other time an individual need only call for a police officer by using the direct telephone line outside the station and an officer will be dispatched to assist them. A copy of the King City Police Department's Domestic Violence Policy is available to the public upon request.

As per recommendation #2, the King City Police Department will use a "Lethality List" in order to determine if an abuser is a deadly threat to anyone else or themselves.

As per recommendation #3, I agree that the Probation Department should be assisted in its efforts to obtain the electronic devices which would help to warn victims if an abuser is within lethal range, and that this money should come from the Monterey County Board of Supervisors or grants.

As per recommendation #4, as the Chief of Police for the King City Police Department, I concur with the recommendation of the Monterey County Chief Law Enforcement Officer's Association as it pertains to utilizing P.O.S.T. training and a joint agency workshop.

As per recommendation #5, the King City Police Department has and will continue to train it's officers in regards to Emergency Protective Orders and familiarize them with the Lethality List in order to assist them in determining when an EPO should be issued.

As per recommendation #6, King City Police Department employees understand the importance of and will continue to look at ways to invest in stopping the cycle of domestic violence with funds devoted to preventive and educational services. The King City Police Department is fortunate to have a good working relationship with Shelter Plus of King City but we realize it will take the effort and assistance of many other agencies and organizations (money included) in order to stop the cycle of domestic violence that we experience today.

I believe the King City Police Department has an excellent domestic violence program already in place, but I also recognize the need to periodically monitor and review our domestic violence policies and procedures. I compliment the Monterey County Grand Jury for its efforts to enhance domestic violence reform.

I hope this information will assist you in your endeavors regarding domestic violence in Monterey County. Please call me if you need any further information.

Sincerely,

A handwritten signature in cursive script that reads "Tom Slawson".

Tom Slawson  
Chief of Police

cc: City Manager  
Mayor/City Council

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020

June 16, 1997



Mr. John L. Myers, Mayor  
City of King  
212 South Vanderhurst Avenue  
King City, CA 93930

Dear Mayor Myers:

Thank you for your letter of March 28 with your response to the 1996 Monterey County Grand Jury Final Report on "Housing for Low-income Residents in Monterey County".

Although the Grand Jury is still of the opinion that some economies of staff and some operational effectiveness could be achieved by a coordinated attack in the provision of affordable housing throughout Monterey County, your response is similar to many of the other cities in the County.

I would like to call your attention to Section 933.05(b) of the 1997 edition of the Penal Code. This section defines the responses which can be made to Grand Jury Final Reports. For purposes of our own evaluation of the Grand Jury's effectiveness, we consider that your letter is in response to Recommendation 1a through 1h on pages 45 and 46 of the Grand Jury Final Report, and conforms to Section 933.05(b)(4) which reads as follows:

"(4) The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation therefor."

In the 1996 Grand Jury Report there is a project called "Monterey Bay Unified Air Pollution Control District" with some recommendations aimed at being sure the cities are in close touch with the work of that district. A search through our files indicates we do not have King City's response on this item. We do have a satisfactory response from King City on the Domestic Violence issue, which response came from your Chief of Police. We are acknowledging his letter directly, copy to you.

Perhaps our copy of your response on the MBUAPCD went astray, or perhaps you overlooked the need to respond on this item. In either case, we must ask you to get this to us right away, as it is already about one month late.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

DRAFT

5-14-97

Revised 5-24-97

Grand Jury Stationery

To Bob LeFevre for Cities  
Committee Consideration

To Gerry Gebhardt for Administration  
Committee Consideration

Mr. John L. Myers, Mayor  
City of King  
212 South Vanderhurst Avenue  
King City, CA. 93930

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DRAFT  
5-14-97 Grand Jury Stationery  
Revised 5-24-97

To Bob LeFevre for Cities  
Committee Consideration  
To Gerry Gebhardt for Administration  
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Yours truly,

D. Roger Loper, Foreman

*Attachment: Penal Code Section 933.05*



*City  
of  
King*

212 SOUTH VANDERHURST  
KING CITY, CALIFORNIA 93930  
PHONE (408) 385-3281  
FAX (408) 385-6887

August 25, 1997

Mr. Roger Loper, Foreman  
Grand Jury  
P.O. Box 1819  
Salinas, CA 93902

Dear Mr. Loper:

We observed from the Grand Jury Mid-Year Final Report on page 5 that King City is listed as not responding regarding the Monterey Bay Unified Air Pollution Control District matter.

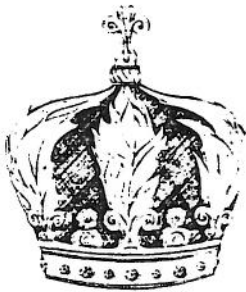
I am resending our late response (dated June 19, 1997) to you to make sure our response is on file. Thank you.

Sincerely,

*Blaine Michaelis*

Blaine Michaelis  
City Manager

cc: Mayor Myers



*City  
of  
King*

212 SOUTH VANDERHURST  
KING CITY, CALIFORNIA 93930  
PHONE (408) 385-3281  
FAX (408) 385-6887

June 19, 1997

Mr. Roger Loper, Foreman  
Grand Jury  
P.O. Box 1819  
Salinas, CA 93902

Dear Mr. Loper:

Please accept my apologies for this late response involving Grand Jury recommendations with regard to the Monterey Bay Unified Air Pollution Control District.

Maintaining a working relationship with the District has not been a concern for us. I serve on the Air District Board representing the four South County Cities. This involvement allows us to not only be aware of District actions, but also to participate in District decision-making as a Board Member.

The cities in Monterey County recently discussed the Grand Jury recommendation for District personnel to regularly visit each community. It was generally felt that a more productive approach would be for District issues and matters to be presented in a City Forum format. These forums are scheduled as needed, and include the benefit of having all the cities present for a discussion of items on the agenda. As an Air District Board Member and Mayor, I feel this approach would be more effective in keeping in touch with the District than having fifteen or more briefing sessions with individual cities.

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I hope these comments are of assistance to you.

Sincerely,

*John L. Myers*  
John L. Myers  
Mayor



*City  
of  
King*

212 SOUTH VANDERHURST  
KING CITY, CALIFORNIA 93930  
PHONE (408) 385-3281  
FAX (408) 385-6887

*DL 4/8*

March 28, 1997

The Honorable John M. Phillips  
Presiding Judge, Superior Court  
County of Monterey  
240 Church Street  
Salinas, Ca. 93901

RE: Response of the City of King regarding the 1996 Grand  
Jury's "Housing for Low-Income residents in Monterey County"

Dear Judge Phillips:

We have reviewed the findings and recommendations of the 1996  
Grand Jury regarding the above referenced matter and have the  
comments noted below.

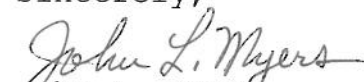
We are cautious about the formation of a consolidated and  
coordinated approach to the provision of affordable housing.  
While it may appear to conserve resources and provide a  
foundation for action, our concern is that the support of  
such an approach may detract from our current success,  
resources, and efforts to meet King City's affordable  
housing needs. The establishment of a single lead agency  
will still require additional resources for that lead agency  
in staff, time, and money. Because affordable housing is  
implemented locally, the formation of the lead agency will  
not remove any need for our current staff and resources to  
be available to address the development review and  
construction matters associated with the affordable housing  
project being built in our community. We fear that the lead  
agency concept would end up being a layer of bureaucracy  
requiring a withdrawal from the resources we have been using  
to achieve our local success in providing affordable  
housing.

We have been diligent and self reliant in our affordable  
housing efforts. Through the efforts of the City of King  
Redevelopment Agency and with the cooperation of developers,  
over half of the housing constructed in King City over the  
last several years has been low and very low income housing  
- rental and owner occupied single family homes. That  
percentage of affordable homes increases to as much as 80%

with the inclusion of other conventional developments that have produced housing within target income affordable housing levels. We do not believe these accomplishments require a major change to our approach. It is not clear what we would gain from consolidating with a lead affordable housing agency.

To address regional housing needs, we will however, continue to participate in broad discussions with other agencies and providers to see how overall affordable housing requirements may be met. We would also welcome the opportunity to be interviewed by the Grand Jury regarding this issue.

Sincerely,

  
John L. Myers  
Mayor



# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (408) 384-3715  
FAX (408) 384-0425



ML 7/15

7-23-97

July 3, 1997

*Complete File*

D. ROGER LOPER, FOREMAN  
1997 MONTEREY COUNTY GRAND JURY  
PO BOX 1819  
SALINAS CA 93902

Dear Foreman Loper:

In response to your letter of June 16, 1997, the following is provided:

- 1) Monterey Bay Unified Air Pollution Control District Joint City Meetings: When will group meetings between the Cities and the County be scheduled?

The City will submit a letter to MBUAPCD to request that the coordination of Joint Meetings between the MBUAPCD and Monterey County/Peninsula Cities and the County of Monterey be handled by the MBUAPCD Administration. We will request MBUAPCD to notify the Monterey Grand Jury as soon as the monthly meetings are scheduled.

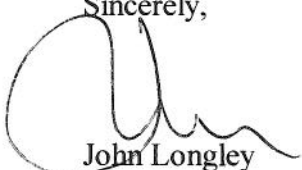
Copy of letter of request is attached.

- 2) Domestic Violence: No timeframe was indicated for Grand Jury Recommendations 2 and 5:

Memorandum prepared by Director of Public Safety Roger Williams attached.

If you have any further questions, please do not hesitate to contact me at 384-3715, extension 7101.

Sincerely,

  
John Longley  
City Manager

Attachments



---

M E M O R A N D U M

**To: John Longley, City Manager**  
**From: Roger Williams, Director of Public Safety**  
**Date: June 27, 1997**  
**Subject: Grand Jury Questions on Public Safety**

I received a copy of a letter from 1997 Grand Jury Foreman, Roger Loper, indicating my response to two questions posed by the 1996 Grand Jury were incomplete in that they did not include specific time frames for implementation. The two questions and my responses were as follows:

2. All law enforcement agencies, judges, and probation officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.

**Response** - The Marina Department of Public Safety will use a lethality list to assist in evaluating the threat to victims of domestic violence.

5. All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.

**Response** - Training in this area, as is training in other areas of domestic violence, is an on-going process. Most, if not all, officers in Monterey county are familiar with Emergency Protective Orders and will soon have available a Lethality Check List to help determine the need for such an order. Additionally, persons arrested for domestic violence are now subject to a stay away order as a condition of release on bail. This should improve the ability of law enforcement to protect victims and reduce the need for Emergency Protective Orders.


To comply with the time frame request, my response to question number two is:

A Lethality Check List has not yet been developed for Monterey County law enforcement. There are a variety of lethality lists available and unless all agencies in Monterey County are using the same criteria, the value of any such list is questionable. The Domestic Violence Council is working on the development of a Lethality Check List

and should be making a recommendation on the specific instrument within the next twelve months. When the instrument becomes available, and if it is the recommendation of the Domestic Violence Council that law enforcement agencies use the instrument, Marina Public Safety officers will begin using the lethality check list or similar instrument.

My response to number five is:

All Marina Public Safety Officers are familiar with the procedures for issuing Emergency Protective Orders and they will begin using Lethality Check Lists when the list becomes available on a county wide basis. This is estimated to be within the next twelve months.



Roger Williams  
Director of Public Safety

cc: Mayor/City Council

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (408) 384-3715  
FAX (408) 384-0425



June 26, 1997

OFFICE OF THE MAYOR

D. ROGER LOPER, FOREMAN  
1997 MONTEREY COUNTY GRAND JURY  
PO BOX 1819  
SALINAS CA 93902

RE: 1996 Grand Jury Report

Dear Foreman Loper:

Your letter of June 16, 1997 requesting responses was received June 18, 1997 while I was in Washington, D.C. for a meeting, returning June 23, 1997.

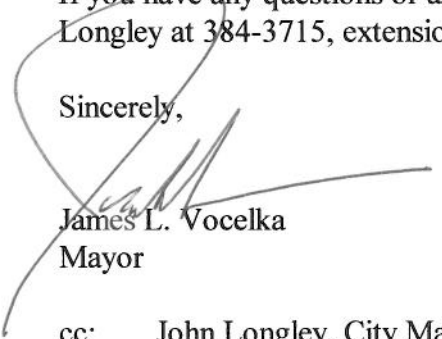
I would like to request an extension to July 15, 1997, to review, research, and respond to your inquiries regarding three items:

- Monterey Bay Unified Air Pollution Control District Joint City Meetings; and
- Public Safety response RE Domestic Violence Recommendations 2 and 5 timeframe.

Your consideration to approve and authorize an extension to July 15, 1997 would be greatly appreciated.

If you have any questions or an extension will not be accepted, please contact City Manager John Longley at 384-3715, extension 7100 at your earliest convenience.

Sincerely,

  
James L. Vocelka  
Mayor

cc: John Longley, City Manager  
Roger Williams, Community Services Manager/Director of Public Safety

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



*John, Please Review*

June 16, 1997

JUN 18 1997

Mr. James L. Vocolka, Mayor  
City of Marina  
211 Hillcrest Ave.  
Marina, CA 93933

Dear Mayor Vocolka:

Thank you for your letter of April 18, 1997, with its response to the recommendations made by the 1996 Monterey County Grand Jury on the subject of the Monterey Bay Unified Air Pollution Control District. The 1997 Grand Jury, in reviewing your letter, feels it is responsive. Meetings of City Councils in groups to hear of MBUAPCD activity is certainly in the spirit of the Grand Jury recommendations.

You are probably aware that the portions of the Penal Code dealing with responses to Grand Jury Final Reports were changed by the Legislature in 1996. The new requirements are found in the 1997 edition of the Penal Code, Section 933.05. The 1997 Grand Jury is classifying responses to the 1996 Final Report according to this revised definition of acceptable responses. They feel your response can be categorized as follows:

"Penal Code Section 933.05(b)(2) The recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation."

Unfortunately, your response does not indicate when the group meetings will be scheduled so the response is not complete. Please advise us by June 30, 1997, when the planned meeting will be held.

We also received a letter dated February 12, 1997, from Mr. Roger Williams, reporting the responses of your Director of Public Safety to the 1996 Grand Jury Project on Domestic Violence. The City of Marina was asked to respond to five recommendations on this subject.

The Grand Jury has categorized Mr. Williams' responses as follows:

Penal Code Section 933.05(b)(1) Recommendation has been implemented:  
Recommendations 1 and 6

Mr. James L. Vocolka, Mayor  
June 16, 1997  
Page two

Penal Code Section 933.05(b)(2) Recommendations will be implemented, with specific timeframe indicated.

Recommendations 2 and 5, except no timeframe is indicated. The Grand Jury must receive the required statement of the timeframe by June 30, 1997.

Penal Code Section 933.05(b)(4) Recommendations will not be implemented.  
Recommendation 4

We also received a letter dated March 13, 1997, in response to the 1996 Grand Jury Project on Affordable Housing. This letter was signed by Mr. Longley. The 1997 Grand Jury interprets this letter in terms of Section 933.05 of the Penal Code as follows:

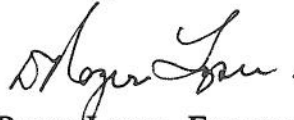
Penal Code Section 933.05(b)(2) Recommendations will be implemented, with a defined timeframe.

Recommendations 1a through 1h, but no specific timeframe is set out. Grand Jury comment:

The City of Marina is to be congratulated on its progress in supplying affordable housing. The City generally supports the Grand Jury recommendations, but is not in position to implement them independently of the County or some other lead agency.

Please advise if you think we have misinterpreted your intentions in categorizing these responses as we have.

Yours truly,

A handwritten signature in cursive script, appearing to read "D. Roger Loper".

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

Attachment: Penal Code Section 933.05

**933.05.**

(a) For purposes of subdivision (c) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (c) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county department headed by an elected officer, both the department head and the board of supervisors shall respond if requested by the grand jury, but the response of

the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the supervising judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

DRAFT  
5-25-97  
Revised 5-16-97

GRAND JURY STATIONERY  
TO: Gerry Gerbrandt for Admin Committee  
Consideration (MBUAPCD)  
Bob LeFevre for Cities Committee  
Consideration (No response on affordable  
housing)  
Mel Spehn for Health and Welfare Consideration  
(No response on Domestic Violence)

Mr. James L. Vocelka, Mayor  
City of Marina  
211 Hillcrest Avenue  
Marina, CA. 93933

Dear Mayor Vocelka:

Thank you for your letter of April 18, 1997 with its response to the recommendations made by the 1996 Monterey County Grand Jury on the subject of the Monterey Bay Unified Air Pollution Control District. The 1997 Grand Jury, in reviewing your letter, feels it is responsive. Meetings of City Councils in groups to hear of MBUAPCD activity is certainly in the spirit of the Grand Jury recommendations.

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specific timeframe indicated

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Recommendations 1a through 1h, but no specific timeframe is set out  
Grand Jury comment:

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> ?

Please advise if you think we have misinterpreted your intentions in categorizing these responses as we have.

Yours truly,

D. Roger Loper

drl/5-25-97

Marina Responses

Attachment: Penal Code Section 933.05

DRAFT  
5-25-97  
Revised 5-16-97

GRAND JURY STATIONERY  
TO: Gerry Gerbrandt for Admin Committee  
Consideration (MBUAPCD)  
Bob LeFevre for Cities Committee  
Consideration (No response on affordable  
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Mel Spehn for Health and Welfare Consideration  
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City of Marina  
211 Hillcrest Avenue  
Marina, CA. 93933

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Yours truly,

D. Roger Loper

drl/5-25-97  
Marina Responses

Attachment: Penal Code Section 933.05

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (408) 384-3715  
FAX (408) 384-0425



---

## OFFICE OF THE MAYOR

---

July 2, 1997

DOUGLAS QUETIN, OFFICER  
MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
24580 SILVER CLOUD COURT  
MONTEREY CA 93940

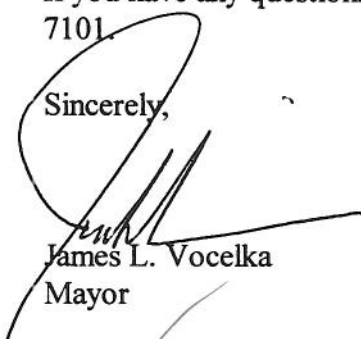
RE: 1996 Grand Jury Report - Recommendation

Dear Mr. Quetin:

At the recommendation of the Monterey County Grand Jury, the City of Marina would like to request the Monterey Bay Unified Air Pollution Control District to coordinate monthly Cities and MBUAPC joint meetings; and MBUPAC to notify the Monterey County Grand Jury of the scheduled date, time and place of such meetings.

If you have any questions, please contact City Manager John Longley at 384-3715, extension 7101.

Sincerely,



James L. Vocelka  
Mayor

cc: ✓ Monterey County Grand Jury

# **REPORT TO THE MARINA CITY COUNCIL**

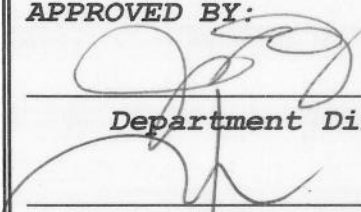
**FROM: Joy P. Junsay**  
**Executive Secretary/City Clerk**

**SUBJECT: Response to Monterey County**  
**Grand Jury**

**DATE OF MEETING:** 07/01/97

**AGENDA ITEM NO.:** 10f

**APPROVED BY:**

  
\_\_\_\_\_  
**Department Director**

  
\_\_\_\_\_  
**City Manager**

## **BACKGROUND:**

Following the City's responses to the Monterey County Grand Jury's 1996 report, the attached letter was received requesting additional information.

## **ISSUES:**

An request to extend the City's response time to July 15 has been mailed to the Grand Jury Foreman, D. Roger Loper, to allow staff time to compile the data and bring to the Council for review, consideration and approval.

The items includes:

- 1) Monterey Bay Unified Air Pollution Control District Meeting with Cities: When will group meetings between the Cities and the be scheduled?

Coordination should be by the Monterey Bay Unified Air Pollution Control District Board of Directors with the Cities.

- 2) Domestic Violence: No timeframe was indicated for Grand Jury Recommendations 2 and 5.

Response attached prepared by Public Safety Director Roger Williams.

- 3) Affordable Housing: No specific timeframe set out.

Staff has contacted Grand Jury to determine if a response is being requested. Grand Jury commented, "The City of Marina is to be congratulated on its progress in supplying affordable housing. The City generally supports the Grand Jury recommendations, but is not in position to implement them independently of the County or some other lead agency."

**STAFF RECOMMENDATION:**

**CITY COUNCIL:**

- 1) Direct staff to prepare letter for Mayor's signature to Monterey Bay Unified Air Pollution Control District Board requesting their coordination of monthly Cities and MBUAPC joint meetings; and MBUAPC to notify the Monterey County Grand Jury of scheduled date, time and place.
- 2) Review June 27, 1997 Memo from Public Safety Director Roger Williams; provide staff direction and direct Director of Public Safety to provide response to Monterey County Grand Jury.
- 3) Staff will provide update as to whether City is to respond regarding specific timeframe regarding affordable housing.

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (408) 384-3715  
FAX (408) 384-0425

*Copy to Garry Schubert*



April 18, 1997

THE HONORABLE JOHN M. PHILLIPS  
PRESIDING JUDGE  
MONTEREY COUNTY SUPERIOR COURT  
240 CHURCH STREET  
SALINAS CA 93901

RE: Response to Grand Jury Recommendation #3 Pertaining to  
Monterey Bay Unified Air Pollution Control District

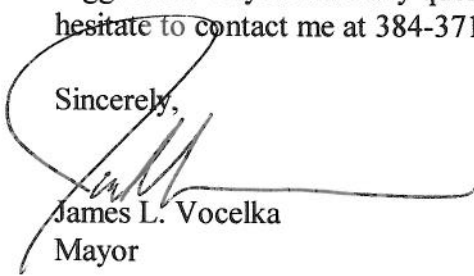
Dear Judge Phillips:

The 1996 Grand Jury recommendation relative to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) making annual presentations to each City Council was not transmitted directly to the City of Marina for a response. However, the issue was raised at the April 14, 1997 meeting of the Monterey County Mayors' Association.

After review of the Grand Jury's recommendation, it has been recommended by the City Council that the MBUAPCD hold Regional Summits rather than having numerous number of meetings with each of the cities and County. The MBUAPCD has budgetary constraints like everyone else.

I hope you will take this into consideration. The City of Marina welcomes your response to this suggestion. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me at 384-3715, ext. 7107 or 384-1922.

Sincerely,

  
James L. Vocolka  
Mayor

jjj

cc: Marina City Council  
Monterey County Mayors' Association  
John Longley, City Manager

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (408) 384-3715  
FAX (408) 384-0425



March 13, 1997

MR. CHARLES PAGE, FOREMAN AND MEMBERS  
1997 MONTEREY COUNTY CIVIL GRAND JURY  
PO BOX 1819  
SALINAS CA 93902

SUBJECT: Response As Requested by Grand Jury

The City of Marina has worked to provide affordable housing opportunities. Examples of the City's efforts are:

Providing loans and other assistance to develop a 39-unit affordable housing project within Marina;

Dedicating staff resources and assistance to implement 65 McKinney Homeless Units on the former Fort Ord;

Completing lease negotiations with the Army for 354 units of moderate income housing of which 70 units have been dedicated to a below market rate rent program for low and moderate income families.

All of the projects have been undertaken since the closure of the former Fort Ord was announced. They represent a significant effort by this City to address the needs of low and moderate income people.

For an affordable housing program to be effective it must be truly Countywide. Our observation has been that the focus to develop more affordable housing is within communities which already have an abundance of such housing. Our significant efforts at providing affordable housing has only added to the concentration of low and moderate income individuals within our City.

This in itself is not bad for the people who occupy the affordable housing are vibrant and responsive members of our City. There needs to be a balancing, however, whereby other communities which have significantly more disposable revenues undertake housing programs which balance their housing mix countywide.



1996 Monterey County Grand Jury  
Affordable Housing  
March 13, 1997  
Page 2

The Grand Jury suggested pooling of resources among communities and this requirement should not affect agencies which has successfully implemented affordable housing programs. The Boards and communities should be called upon to do their share. The City of Marina should not necessarily be assisting other communities in accomplishing what the city has already done.

Your consideration of this will be deeply appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Longley', written over a large, light-colored oval shape.

John Longley  
City Manager

cc: MAYOR & COUNCIL MEMBERS

# City of Marina

DEPARTMENT OF PUBLIC SAFETY

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (408) 384-5225

*Rec'd  
Feb 18 1997  
RDL*



February 12, 1997

Mr. Charles M. Page, Foreman  
Monterey County Grand Jury  
Monterey County Courthouse  
P.O. Box 414  
Salinas, Ca. 93902

Dear Mr. Page:

The following is the response of the Marina Department of Public Safety to the recommendations made in the 1996 Grand Jury Final Report on Domestic Violence:

**Recommendations:**

1. Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701(c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.

**Response** - The Marina Department of Public Safety is continuously updating the information it has available to the public on domestic violence issues. This information is available to any citizen who walks into the lobby without the need for questions or contact with any member of the department.

2. All law enforcement agencies, judges, and probation officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.

**Response** - The Marina Department of Public Safety will use a lethality list to assist in evaluating the threat to victims of domestic violence.

3. The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. This money could come from the Monterey County Board of Supervisors or grants.

**Response** - The Marina Department of Public Safety has supported the Probation Department on many issues and will support any reasonable proposal by the Probation Department that might assist in reducing the deaths and injuries caused by domestic violence.

4. The Monterey County Police Chiefs Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.

**Response** - We concur with the need for training of officers in domestic violence related issues. All peace officers receive basic training in domestic violence and many receive much more than basic training. Departments are mandated to keep officers current on domestic violence issues and agencies such as the Y.W.C.A., the Women's Crisis Shelter, Rape Crisis and others offer training on a regular basis. Training is also available through the District Attorney's Office and the Monterey County Probation Department. The Domestic Violence Council of Monterey County is developing programs for training officers as well as members of the judiciary and citizens in issues relating to domestic violence. Some officers will become "expert" in the issues of domestic violence and their expertise should be put to good use. Identifying one officer in each department to train to this expert level, however, is not practical for many small Departments with a constant turnover of officers.

5. All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.

**Response** - Training in this area, as is training in other areas of domestic violence, is an on-going process. Most, if not all, officers in Monterey county are familiar with Emergency Protective Orders and will soon have available a Lethality check list to help determine the need for such an order. Additionally, persons arrested for domestic violence are now subject to a stay away order as a condition of release on bail. This should improve the ability of law enforcement to protect victims and reduce the need for Emergency Protective Orders.

6. Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.

**Response** - Stopping the cycle of violence and saving lives is, of course, the ultimate goal in domestic violence prevention. It is something we all need to work on together and it is the reason the Domestic Violence Council was created. Monterey county agencies are currently coordinating the activities of the criminal justice system with service providers that assist victims, batterers groups who work with abusers, and the medical profession to help identify the problem at the onset in order to begin treatment for the physical and emotional problems created by domestic violence.

In addition, we need to look at and cure the causes for the anger and frustrations leading to the violence such as alcohol and drug abuse, unemployment and under employment. We need to provide real assistance to victims, many of whom are dependent on their abusers, so they can continue to support children, pay rent and live free of the abuse. These are the problems police officers encounter on a daily basis and there is no solution in sight. This is not a problem any police agency will solve or any other organization will solve alone. It is a problem for society and society needs to provide sufficient resources and work together before we can bring domestic violence under control.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Williams", with a large, sweeping initial "R".

Roger Williams  
Director of Public Safety

cc: City Manager  
Mayor/City Council





4/8/97

April 3, 1997

Mayor:  
DAN ALBERT

Councilmembers:  
THERESA CANEPA  
DON EDGREN  
CLYDE ROBERSON  
RUTH VREELAND

City Manager:  
FRED MEURER

The Honorable John M. Phillips  
Presiding Judge  
Monterey County Superior Court  
240 Church Street  
Salinas, CA 93901

RECEIVED  
APR 07 1997  
SHERRI L. PEDERSEN  
CLERK OF THE SUPERIOR COURT  
DEPUTY

SUBJECT: Responses to Grand Jury Recommendations:  
I) Monterey Bay Unified Air Pollution Control District  
II) Housing for Low-Income Residents in Monterey County  
III) Domestic Violence in Monterey County

Dear Judge Phillips:

Please find enclosed the responses to the recommendations made in the Monterey County Civil Grand Jury final report on the above-referenced topics.

I. Monterey Bay Unified Air Pollution Control District (MBUAPCD)

The City of Monterey has been asked to respond to recommendation #3 of the Grand Jury report.

**RECOMMENDATION #3:** *Requests that each City Council in the District and the Boards of Supervisors schedule a special session, at least annually, for a briefing by the District staff covering the priorities and activities, of the District with particular emphasis on how the activities within each jurisdiction affect the air quality of the region and how the regulatory activities of the District impact the businesses within the jurisdiction. The briefing should be well publicized so that local businesses and the public can participate.*

**RESPONSE:** This recommendation having been reviewed by the Monterey City Council, and the Council's firm opinion is that this briefing would not be particularly worthwhile for several reasons as follows:

1. The MBUAPCD board holds monthly meetings which are properly

noticed in accordance with the Brown Act; the public is invited to attend and comment. The City uses similar methodologies as the Air District in announcing its meetings; therefore, the publicity generated by a City announcement versus a MBUAPCD board announcement would be similar in character, and Council consideration would not be expected to provide a higher level of public information or involvement.

2. City representatives regularly attend MBUAPCD meetings, and, when appropriate, provide the City Council information regarding the Air District's activities. MBUAPCD staff has been responsive to all inquiries by our staff and has provided complete copies of all agenda materials. If we need extra material, that is provided as well. Further, if City staff needs to bring to the City Council any action items being considered by the MBUAPCD Board which impacts specifically the city and its residents, then the Council takes action on those specific issues, and such prospective action is properly noticed and publicized as a Council agenda item.
3. There are a number of MBUAPCD issues which impact the City directly, such as availability of applications for, and review of completed applications for, DMV Surcharge (AB2766) funds which are periodically made available for City projects. For such issues, there is significant interaction between City and District staffs, as well as between the Council and the board. There are other issues, such as pending consideration of airborne  $PM_{10}$  (particulate matter under 10 microns in size) where the City will follow the activities of the Board, but will have very little input, as the generation of  $PM_{10}$  in the Central Coast Air Basin is primarily related to industrial "smoke stack" generators and agricultural operations. These are not particularly applicable to the City of Monterey; therefore, it is important that the City pick and choose the issues which it needs to follow and does not waste staff time or Council time on issues which are less important from the City's perspective, even though they may be highly important for the Air District as a whole.

Even though the material provided to us by the Grand Jury requested response only to recommendation #3, an answer was also prepared in response to recommendation #1, which is to review the job description of the Chief Executive Officer (Air Pollution Control Officer), including job qualifications and requirements of the position. We have had ample opportunity to work with the APCO, Mr. Doug Quetin, over the past few years since he has been in this position. We would like to take this opportunity to applaud his skill in terms of recommending appropriate air quality standards, providing input to his member jurisdictions, for guiding the implementation of municipal membership on his board, for



encouraging City representatives to become fully aware of his board and staff's activities, and for his cooperative, collegial approach to solving his District's problems. While we agree that the APCO's position should be correctly identified as managerial as well as technically oriented, it is important that a functional area expert, i.e., a technically qualified person with the appropriate management skills, hold this position. We believe very strongly that Mr. Quetin holds both sets of skills.

## II. HOUSING FOR LOW-INCOME RESIDENTS IN MONTEREY COUNTY

The following is the City of Monterey's response to the 1996 Grand Jury recommendation #1.

**RECOMMENDATION #1:** *That a coordinated countywide effort be undertaken to:*

- a) Identify unmet needs for housing for low-income residents; b) Identify unused housing resources such as facilities at Fort Ord; c) Identify appropriate locations for low-income housing to meet these needs ("appropriate" meaning housing accessible to employment, public transportation, schools, parks, recreation, and adequate infrastructure [roads, water, sewage facilities]); d) Consolidate the public management of the effort by designating a lead agency. Since the sole mission of the Monterey County Housing Authority is to address the need for housing for low-income residents in the County, the Housing Authority appears to be the logical lead agency to deal with this problem; e) Assemble a management team from the Planning Department staff of the cities, the County, and the Housing Authority. The team can seek assistance from the private sector, developers, land use lawyers and the staff of non-profit agencies who deal with and produce low-income housing; f) Back this team with political authority. This can be done by the County, each of the cities in Monterey County and the Monterey County Housing Authority agreeing on a mission statement and directing and authorizing the team to: (1) Compile an inventory of the resources which can be pooled and devoted to solving the low-income housing needs such as: (a) In lieu fees; (b) Transient occupancy taxes where it can be demonstrated that employees of facilities generating such revenues reside in other communities because of housing costs. (When employees work in one community, but cannot afford to live there, the commute produces traffic which impacts local roads and law enforcement. The employees also impact their place of residence by use of the infrastructure and schools); (c) State and Federal Grants; (d) Foundation Grants; g) Identify staffing, facilities and functions which can be eliminated if the responsibility and authority for dealing with this issue is assigned to one agency; h) Delegate to the lead agency the authority to manage the planning and development and funding of low-income housing in Monterey County and fund this agency with the resources which would otherwise be managed by the cities and the County.*

## **RESPONSE:**

1. There is a presumption that individual programs by 12 cities and the county are not as effective as a single program would be. Finding #9 indicates that the Grand Jury felt that cities surveyed did not have the political will to address low-income housing problems.



The City of Monterey was apparently not surveyed. Monterey has a very effective housing program. It is effective because it meets the particular needs of the community. These needs, as identified in the Housing Element, are for increased lower-income ownership and renter housing, mixed-use housing to support commercial areas, housing for special needs groups, rehabilitation of deteriorating units, conservation of existing lower-cost housing, and distribution of lower-cost housing throughout the community. Because the City's focus is in keeping with strong community desires, the program has broad community acceptance and has been able to attract funding from a wide variety of sources. The program as proposed by the Grand Jury would be one-dimensional, administered by an outside agency, and it has no indication that it would address the complex housing goals of any of the individual cities in the County. Such a program would have less acceptance in Monterey. Lower acceptance would probably result in lower levels of funding, rather than maintaining the effective program which has been established.

2. Finding #1 is not accurate in concluding that there is no coordinated effort to address the low-income housing needs. Each City and the County is assigned a fair share of the State's housing needs in a State-mandated process. The process is coordinated through AMBAG, with participation by all cities and the County. All cities and the County will soon start a process of determining fair share of market rate and lower-cost housing in order to prepare year 2000 Housing Element updates. Therefore, recommendations 1. a. b. & c. will be fulfilled in the near future with a joint effort, coordinated by AMBAG, to establish fair share assignments based on capabilities to provide housing -- which will be used in the year 2000 Housing Element revisions.

3. State Law has city-based objectives, which make it virtually impossible to assign city responsibilities to an umbrella agency. Findings #2 and 8 hypothesize a Countywide solution, with funds transferred to the County and used in the most efficient way to meet Countywide needs. These findings do not take into account State housing law, which holds individual cities and counties accountable for numerical production of housing units and a wide variety of incentives within their jurisdiction. Assignment of housing responsibilities to an outside agency leaves each city vulnerable to charges that it has not met requirements of State housing law. Therefore, recommendations 1d, g, and h are not practical, given the provisions of State law and the city responsibilities under State law.

4. The financial assumptions (Findings #3-8) are anecdotal and are not a solid basis for recommendation. There is a presumption that increased density reduces land costs. This is not always true. Within a broad range of apartment densities, the "per unit" cost sets land value, not "per acre" costs. Therefore, increased densities result in the same cost per unit. Finding #5 posits that ownership assistance is not effective, yet it is an important element in meeting City of Monterey Housing Element goals and in providing a balanced and well-accepted housing program. Also, it is assumed that recommendation 1. f. (2) was based on the idea that there is a nexus between employment growth and housing needs, yet the recommendation seeks funding from a single land use which is not growing rapidly and

ignores rapidly-growing employment sources, such as retail, universities, prisons, business parks, etc. which are producing need for housing.

To our knowledge, no representative of the City of Monterey HCD Program was contacted to ascertain the level of effectiveness of our programs and operations. While affordable housing remains a challenge in all communities, we have been advised many times by HUD and State HCD that we operate programs, used as a model by other agencies, both statewide and nationally.

### III. DOMESTIC VIOLENCE IN MONTEREY COUNTY

The following responses are made to the 1996 Grand Jury recommendations with regard to Domestic Violence in Monterey County.

**RECOMMENDATION #1:** *Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701 (c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.*

**RESPONSE:** The Monterey Police Department has a printed pamphlet entitled "*Information to our Citizens Regarding Domestic Violence*" which meets the requirements of the Penal Code. (A copy of this pamphlet, which has been in publication for many years - along with other domestic related information which we make available to the public is enclosed with this response.) Our domestic violence pamphlet is in full view in the glass enclosed display case on the outside of the main entrance to the police department where it can be read by citizens without even entering the police building. Copies of it are also on display in the public waiting/reception area just inside of the police department entrance and readily available for pick up without any requirement to interact with department staff.

**RECOMMENDATION # 2:** *All law enforcement agencies, Judges, and Probation Officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge (the) accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.*

**RESPONSE:** Every officer of the Monterey Police Department has been provided with a copy of the "Lethality List" and has been trained in its use. (We also expanded the list by adding three additional considerations which may be factors in determining the threat potential of the abuser: (1) Whether the abuser is already on parole or probation for a conviction of domestic violence; (2) Whether the abuser has any outstanding warrants of arrest for domestic violence; and (3) Whether the abuser displays an attitude of "I have nothing left to lose.") We incorporated the lethality list into our domestic violence training

on November 1, 1996. (A copy of the training lesson plan, which includes the lethality list, is enclosed with this response and can be found behind a cover memorandum entitled, "Domestic Violence Training Material.")

**RECOMMENDATION # 3:***(This recommendation does not apply to the Monterey Police Department.)*

**RECOMMENDATION # 4:** *The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.*

**RESPONSE:** The Monterey County Police Chief's Association (which is actually called the Monterey County Chief Law Enforcement Officers Association - MCCLEOA), through the efforts of Roger Williams, Director of Public Safety for the City of Marina, is researching funding sources for this endeavor. In the meantime, the Monterey Police Department, in addition to having two Lieutenants well trained in Domestic Violence issues (Lieutenant Jim Roseman and Lieutenant Tim Shelby), last November created an additional detective position in the department, designated as the department's full-time "Domestic Violence Investigator/Domestic Violence Victim Advocate." This new position is being filled by Detective Jim Bailey, and he has been through extensive training. (As an aside, our Lieutenant Roseman is a certified domestic violence training instructor, certified by the California Commission on Peace Officers Standards and Training and by the California Board of Corrections, Standards and Training for Corrections. We have not only provided the domestic violence training to our police officers, we have given it also to all of our staff, including the civilian employees and the Records and Jail staff, and we went beyond the two (2) hour training requirement by providing six(6) hours of training which included the two (2) hours of mandatory POST certified instruction, plus two (2) hours on domestic violence restraining orders and victim advocate referrals, presented by the staff of the YWCA of the Monterey Peninsula, and two (2) hours on how to prepare a domestic violence case for prosecution, presented by the Monterey County District Attorney's Office.)

**RECOMMENDATION # 5:** *All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.*

**RESPONSE:** On September 6, 1996, we incorporated the *Emergency Protective Order Protocol (EPO)* into our "Response to Domestic Violence" directive (#85.04), and every officer has been provided with a copy and trained in its use. (A copy of our Domestic Violence directive, which includes the EPO protocol and the Lethality List, is enclosed with this response.)

**RECOMMENDATION # 6:** *Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.*

**RESPONSE:** Although this recommendation does not directly apply to law enforcement and the Monterey Police Department, I do believe that we are doing our part in "stopping the cycle of violence" through our educational, community outreach programs. Additionally, we work very closely with the YWCA of the Monterey Peninsula, the Rape Crisis Center, the Suicide Prevention Center, and other non-profit organizations which have goals of "stopping the cycle of violence." I commend these agencies for their educational programs and I encourage them to continue their fund-raising efforts for this purpose. The City Council of the City of Monterey does its part in supporting the suppression of violence by offering some financial assistance to these agencies.

**SUMMARY:** I believe that the Monterey Police Department is in full compliance with both the intent and spirit of the laws pertaining to domestic violence and with the recommendations of the Grand Jury as well. I also believe that the Grand Jury has done a remarkable job in addressing this serious issue. As stated in our response to the Mid-Year Grand Jury report, I again suggest that the 1997 Grand Jury continue to pursue how domestic violence is addressed in Monterey County and that the 1997 inquiries go one step further by also including an examination of the roles of the prosecution and the courts in sentencing persons who commit domestic violence. The law enforcement role is only one element in the overall criminal justice system comprised of the police, the prosecutors, and the courts.

Sincerely,



Dan Albert  
Mayor

Attachments: Information to our Citizens Regarding Domestic Violence Brochure  
Emergency Protective Order Protocol Directive 85-04 Response to Domestic  
Violence  
Domestic Violence Restraining Order Clinic Handout  
Temporary Restraining Orders Handout  
Domestic Violence Training Manual

cc: City Council  
City Manager  
Public Works Director  
Community Development Director  
Police Chief  
Housing and Property Manager

# Grand Jury

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P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Dan Albert, Mayor  
City of Monterey  
City Hall  
Monterey, CA 93940

Dear Mayor Albert:

Thank you for your letter of April 3, with the City of Monterey responses to the recommendations in the 1996 Grand Jury Final Report. Your letter dealt with three subjects, and the 1997 Grand Jury, in reviewing your replies, felt that they were relevant even though the members of the Jury did not agree with all the points you raised.

As you probably are aware, the California Penal Code sections dealing with Grand Juries were revised in 1996. A bill passed by the legislature and signed into law on September 30, 1996, made changes in the replies required from responders to Grand Jury reports, among other changes. In studying the responses received by the Superior Court, or by the Grand Jury, we have chosen to classify them according to these new rules which appear in the 1997 edition of the California Penal Code section 933.05. We have classified your responses to the recommendations in the 1996 Grand Jury Final Report as follows:

To Recommendation 3 in the report on the Monterey Bay Unified Air Pollution Control District:

"Section 933.05(b)(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor."

As a comment, some other Cities took your position, but some arranged for briefings as recommended; and several Cities suggested that there might be regional meetings to permit MBUAPCD to do the briefings efficiently.

To Recommendation 1 in the report on Housing for Low-Income Residents of Monterey County:

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Mr. Dan Albert, Mayor  
June 16, 1997  
Page two

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Yours truly,

A handwritten signature in cursive script, appearing to read "D. Roger Loper".

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

Attachment: Penal Code Section 933.05



DRAFT  
5-17-97

GRAND JURY STATIONERY  
TO: Gerry Gerbrandt - Administration for  
Consideration of response on MBUAPCD  
Bob LeFevre - Cities for Consideration  
response on Housing  
Mel Spehn - Health and Welfare for  
consideration of response on Domestic  
Violence.

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:



To Recommendations 1 through 5 on Domestic Violence in Monterey County:  
"Penal Code Section 933(b)(1) The recommendation has been  
implemented, with a summary regarding the implementing action."

This letter requires no reply, unless you feel that we have misunderstood the meaning of one or more of your responses.

Yours truly,

D. Roger Loper, Foreman

MONTEREY POLICE DEPARTMENT

MEMORANDUM

TO: ALL PERSONNEL

FROM: Chief Sanderson *JS*

DATE: September 6, 1996

SUBJECT: Directive 85-04 - Response to Domestic Violence  
EMERGENCY PROTECTIVE ORDER PROTOCOL

*Copies to Frith  
Kitty  
Michael  
And*

*AL 5/2*

Attached is the Emergency Protective Order Protocol that has been adopted by all criminal justice agencies in Monterey County. It should be added to your Directive Manual as an attachment to **DIRECTIVE 85.04 RESPONSE TO DOMESTIC VIOLENCE.**

*F.D. Sanderson*

F.D. Sanderson  
Police Chief

# MONTEREY COUNTY EMERGENCY PROTECTIVE ORDER PROTOCOL

## STATEMENT OF PURPOSE

It is the intent of the Superior Court and the Monterey County Police Chiefs Association to establish the following protocol in order to implement an efficient and trustworthy system for the issuance of emergency protective orders.

### I.

#### LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE

It is understood that law enforcement's primary response to all domestic violence incidents shall be in accordance with the "Guidelines and Curriculum for Law Enforcement Response to Domestic Violence" issued by the Commission on Peace Officer Standards and Training (hereinafter, P.O.S.T. guidelines).

This protocol is not intended to supersede the P.O.S.T. guidelines in any way.

(See also Judicial Council of California Rule 1295.90 Revised January 1, 1994 and Family Code 6240)

It is understood that law enforcement use of the emergency protective order process is discretionary and that proper utilization of the procedures contained in the P.O.S.T. guidelines may obviate the need for an emergency protective order.

### II.

#### JUDICIAL COMPONENT

The Presiding Judge of the Superior Court shall designate one Superior Court Judge (hereinafter, on-call Judge) to be available to orally issue protective orders at all times when the court is not in session. This duty shall rotate among the judges of the Superior Court on a basis to be determined by the Presiding Judge.

### III.

#### COUNTY COMMUNICATIONS COMPONENT

The Monterey County Communications Department will provide the communication link between the officer and the on-call Judge.

3. Ask the protected party if there is any pending court action for dissolution of marriage, child custody, domestic violence or harassment involving either party. If so, obtain the case name, court, and copies of court documents if possible.

4. Ask the protected party if there exists a current court order restraining either party or affecting custody of any children. If so, obtain a copy of the order, or in the alternative, the name of the restrained party, protected party, name of the court and judge and the effective dates of the order.

5. The officer shall contact County Communications, request the on-call Judge, explain the reason for the request and give a telephone number where the officer can be reached directly.

6. County Communications will contact the on-call Judge to notify him of the request for the emergency protective order.

7. The on-call Judge will call the officer and speak to the officer directly.

8. The officer shall answer any and all inquiries from the on-call Judge regarding the request for the order and shall volunteer any information that could help the judge reach a decision.

9. If the order is authorized by the Judge, the officer in charge shall fill out the Emergency Protective Order form including any additional orders specified by the Judge.

10. Prior to requesting an order regarding custody of minor children the officer shall consider assuring the safety and well being of minor children by means of alternative emergency housing and/or the use of law enforcement powers under Welfare & Institutions Code Section 300.

11. Serve a copy of the emergency order on the restrained party, if the party can be reasonably located and complete the "Proof of Service" section of the Emergency Protective Order form.

12. Give a copy of the emergency order to the protected party.

13. The officer who requested the emergency order, while on duty, shall carry a copy of the order.

14. A copy of the emergency order shall be filed with the court as soon as practical after issuance. This requirement can be satisfied by having a copy of the order delivered to the Superior Court between 8:00 a.m. and noon the next judicial day. On completion of the current tour of duty, the copy of the order will be retained in the restraining order files at the department.

MONTEREY POLICE DEPARTMENT - DIRECTIVE

Effective: July 1, 1996  
Affected Staff: All Personnel  
Originator: Police Chief  
Subject: Response to Domestic Violence

Directive #85.04

Page 1 of 14

Penal Code Section 13700 specifies the following definitions which are included for clear understanding of these guidelines:

**"Abuse":** intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself/herself or another.

**"Domestic Violence":** abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had or is having a child or has had a dating or engagement relationship. For purposes of this subdivision, **"Cohabitant"** means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship. (Amended by Stats. 1993, c. 1230 [A.B.2250])

**"Officer":** any officer or employee of a local police department or sheriff's office, and any peace officer of the California Highway Patrol, the California State Police, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, or a Housing Authority Patrol Officer, as defined in subdivision (d) or Section 830.31.

**"Victim":** a person who is a victim of domestic violence.

**"Family Violence":** as defined in Penal Code Section 12028.5, has the same meaning as "domestic violence" and also includes any abuse perpetrated against a family or household member.

**"Dual Arrest":** an arrest of more than one party involved in an incident of domestic violence.

I. ENFORCEMENT OF LAWS

**Guideline 1 - ENFORCE LAWS RELATING TO DOMESTIC VIOLENCE.**

Historically, law enforcement agencies have utilized a variety of dispute resolution methods as alternatives to arrest in domestic violence incidents. Based on public attitudes, lack of prosecution of domestic violence cases, and departmental priorities, a

## MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

### *Response to Domestic Violence*

2

number of factors influenced law enforcement officers to make no arrest in a majority of cases. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior in the home is criminal behavior and will not be tolerated. Arrests of domestic violence offenders are encouraged if there is probable cause that an offense has been committed (P.C. 13701, as amended, effective 1/1/96). The following factors, for example, should not be used to avoid making an arrest:

- A. Marital status or domestic relationship of suspect and victim.
- B. Whether or not the suspect lives on the premises with the victim.
- C. Existence of lack of restraining/protective orders.
- D. Complainant's preference that an arrest be made or not.
- E. Occupation, community status, and/or potential financial consequences of arrest.
- F. Complainant's history of prior complaints.
- G. Verbal assurances that violence will cease.
- H. Complainant's emotional state.
- I. Non-visible injuries.
- J. Location of the incident (public/private).
- K. Speculation that complainant may not follow through with the prosecution, or
- L. That the case may not result in a conviction.
- M. Assumptions that violence is more acceptable in certain cultures.
- N. Language abilities or barriers and/or immigration status (lack of English language abilities on the part of the victim).
- O. Sexual preference or orientation of the parties.

## II. FELONY ARREST

**Guideline 2 - MAKE AN ARREST WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT A FELONY HAS OCCURRED.**

# MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

## *Response to Domestic Violence*

3

### III. MISDEMEANOR ARREST

**Guideline 3** - MAKE AN ARREST WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT A MISDEMEANOR HAS OCCURRED IN THE OFFICER'S PRESENCE OR THERE IS PROBABLE CAUSE TO BELIEVE THAT A MISDEMEANOR VIOLATION OF PENAL CODE SECTION 273.6 HAS OCCURRED.

- A. Legislation effective January 1, 1994, allows peace officers, in their discretion and within the policy of their department, to make a probable cause arrest for a misdemeanor Penal Code Section 273.6 violation occurring outside the presence of an officer. Effective July 1, 1996, arrest policies shall require the arrest of an offender, absent exigent circumstances, if there is probable cause to believe that a protective order has been violated. (P.C. 13701)
- B. In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, the person shall not be taken before a magistrate instead of being released on a citation, unless the arresting officer determines there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested. (P.C. 853.6)
- C. Officers considering releasing the suspect on a citation shall evaluate the likelihood of a continuing offense which is one of the statutory conditions under which a field release is not appropriate. Any of the following may support the likelihood of a continuing offense:
  - 1. The suspect has a prior history of arrests or citations involving domestic violence.
  - 2. The suspect is violating a criminal court issued Stay-Away Order.
  - 3. The suspect has previously violated, or is currently violating, valid restraining/protective orders.
  - 4. The suspect has a prior history of other assaultive behavior (e.g., arrest/convictions for battery or aggravated assaults).
  - 5. Statements of the victim or witnesses that the suspect has a history of physical abuse.
  - 6. Statements of the victim or witnesses expressing fear of retaliation or further violence should the suspect be released.
  - 7. Information about the suspect's alcohol or drug abuse, access to weapons,

# MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

## *Response to Domestic Violence*

4

suicide threats or attempts, threats of kidnapping family members, or history of mental illness.

### IV. DUAL ARRESTS

Dual arrests shall be discouraged but not prohibited. (P.C. 13701, as amended effective 7/1/96). Peace officers shall make reasonable efforts to identify and arrest only the primary aggressor. The primary aggressor is the person determined to be the most significant, rather than the first aggressor. In identifying the primary aggressor, the officer shall consider:

- A. The intent of the law to protect victims of domestic violence from continuing abuse.
- B. The threats creating fear of physical injury.
- C. The history of domestic violence between the persons involved.
- D. Whether either person involved acted in self-defense.

These same considerations shall apply in situations where mutual protective orders have been issued. (P.C. 836(c)(3) )

### V. PRIVATE PERSON'S ARREST (CITIZEN'S)

**Guideline 4 - INFORM THE VICTIM OF THE RIGHT AS WELL AS HOW TO SAFELY EXECUTE THE MAKING OF A PRIVATE PERSON'S ARREST. WHEN A CRIME HAS BEEN COMMITTED OUTSIDE THE OFFICER'S PRESENCE WHICH DOES NOT MEET THE REQUIREMENTS FOR A FELONY ARREST, OR A MISDEMEANOR ARREST FOR A VIOLATION OF A PROTECTIVE ORDER. WHENEVER POSSIBLE, SUCH DISCUSSION SHALL BE HELD OUT OF THE PRESENCE OF THE SUSPECT. (EFFECTIVE JULY 1, 1996, OFFICER SHALL ARREST WHERE THERE IS PROBABLE CAUSE THAT A PROTECTIVE ORDER HAS BEEN VIOLATED.) (P.C. 13701 (b) )**

**Guideline 5 - ACCEPT A PRIVATE PERSON'S ARREST. OFFICERS SHOULD NOT DISSUADE VICTIMS FROM MAKING A LAWFUL PRIVATE PERSON'S ARREST.**

### VI. REPORTING

**Guideline 6 - WRITE A REPORT IN ALL INCIDENTS OF DOMESTIC VIOLENCE.**



MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

*Response to Domestic Violence*

5

THE REPORT SHALL BE IDENTIFIED ON ITS FACE AS A DOMESTIC VIOLENCE INCIDENT AND BE RETRIEVABLE. (THIS DATA MUST BE REPORTED MONTHLY TO THE DEPARTMENT OF JUSTICE, 13730(A) OF THE PENAL CODE.)

**Guideline 7** - IDENTIFY, IN THE REPORT, IF WEAPONS WERE INVOLVED. (PENAL CODE SECTION 13730(A)). (THIS INFORMATION, INCLUDING NUMBER AND TYPE OF WEAPONS, MUST BE REPORTED TO THE DEPARTMENT OF JUSTICE AND IS PUBLISHED ANNUALLY.)

**Guideline 8** - PROVIDE THE VICTIM WITH THE CASE NUMBER OF THE REPORT OR, IF NOT IMMEDIATELY AVAILABLE, EXPLAIN TO THE VICTIM HOW THE NUMBER MAY BE OBTAINED. (PENAL CODE SECTION 13701 (H))

VII. RESTRAINING/PROTECTIVE ORDERS

There are different types of restraining/protective orders issued by courts in domestic violence situations. Penal Code Section 13710 requires law enforcement agencies to maintain a complete and systematic record of protective orders with respect to domestic violence incidents, restraining/protective orders, and proofs of service in effect. This section also requires that the systematic record shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protective orders in effect.

The following are three types of restraining/protective orders:

- A. Emergency Protective Orders are obtained by a peace officer from superior court by phone.
- B. ~~Civil Court~~ Restraining Orders are obtained by the victim from various departments within the civil court.
- C. Criminal Protective/Stay-Away Orders ~~pursuant to PC 136.2~~ are issued by the criminal court.

All three of these protective orders are enforceable in any county, regardless of where issued. (Family Code 6381) The Federal Violence Against Women Act requires states to enforce restraining orders issued in other states. (H.R. 3355, 103d Cong., 2d sess. 1994). These orders remain valid regardless of the actions of the protected person. For example, if the protected person allows the restrained party back into a residence, the order still remains valid. (P.C. 13711(c))

**Guideline 9** - REQUEST EMERGENCY PROTECTIVE ORDERS WHEN APPROPRIATE.

## MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

### *Response to Domestic Violence*

6

Family Code Section 6241 requires that at least one judge, commissioner, or referee be reasonably available to orally issue, by phone or otherwise, an ex parte Emergency Protective Order when a law enforcement officer asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence or when a child is in immediate or present danger of abuse from a household member, as defined by the Family Code. Such an order may also exclude the suspect from the premises and determine temporary custody of minor children.

#### A. Ascertain Need for Emergency Protective Order

1. When the officer has reasonable grounds to believe a person is in immediate and present danger of domestic violence, or a child is in immediate and present danger of abuse by a family or household member, the officer should inform the complainant as to the availability of Emergency Protective Orders. Regardless of the victim's preference, the officer may request an ex parte Emergency Protective Order from the on-call judge.
2. Officers should make this determination based on the complainant's allegations of a recent incident of abuse or threat of abuse.
3. The officer may request an Emergency Protective Order whether or not the suspect is present or has been arrested.
4. The following are examples of situations in which requesting an Emergency Protective Order may be appropriate
  - a. The suspect is being arrested for a charge related to a domestic violence incident.
  - b. The suspect has a history of domestic violence.
  - c. The victim expresses fear of retaliation or further violence.
  - d. Threats of serious danger have been made to the victim or to the victim's family.

#### B. Request Emergency Protective Order

1. Officer shall contact the judge, commissioner, or referee designated to be on-call to issue Emergency Protective Orders by telephone or otherwise and assert grounds for the belief that the order is appropriate. The above should be accomplished by following established protocol.
2. Upon oral issuance of the order by the on-call judge, the officer requesting

**MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04**

*Response to Domestic Violence*

7

the order shall reduce it to writing, using the Judicial Council form provided, and sign the order.

**C. Issued Orders**

1. The officer shall serve a copy of the emergency order on the restrained party, if the party can be reasonably located.
2. The officer shall give a copy of the emergency order to the protected party.
3. The officer who requested the emergency order, while on duty, shall carry a copy of the order. (Family Code 6273)
4. A copy of the emergency order shall be filed with the court as soon as practical after issuance.
5. An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance.

**D. Enforcement Procedures**

Where a violation of an Emergency Order has occurred, arrest in accordance with Guideline 10, Section B.

**E. Officer Immunity**

A law enforcement officer who acts in good faith to enforce an Emergency Protective Order is not civilly or criminally liable. (Family Code Section 6272 (b))

**Guideline 10 - VERIFY AND ENFORCE RESTRAINING/PROTECTIVE ORDERS.**

Penal Code Section 13710 requires law enforcement agencies to maintain a complete and systematic record of all protective orders with respect to domestic violence incidents, restraining/protective orders, and proofs of service in effect. This section also requires that the systematic record shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protective orders in effect.

**A. Verification of Restraining/Protective Orders**

Whenever a complainant advises an officer of the existence of a restraining/protective order, the officer ~~should~~ shall ascertain:

# MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

## *Response to Domestic Violence*

8

1. Whether a restraining/protective order is on file with the department or whether complainant has certified copy of the restraining/protective order in their possession, or whether the order can be verified through the Department of Justice Domestic Violence Restraining Order System (DVROS). (Family Code 6380, 6381, 6383)
2. Whether a restraining/protective order is still valid as to duration/time.
  - a. If there is no expiration date on the a civil protective order, the order is valid three years from the date of issuance, with the exception of permanent orders issued pursuant to a divorce, which never expire.
  - b. An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance.
  - c. The duration of Criminal Protective/Stay-Away orders varies with each order.

### B. Arrest Criteria and Enforcement Procedures

1. A violation of a restraining/protective order is a misdemeanor under Penal Code Sections 166 and 273.6(a) and may be a felony, under Penal Code Sections 273.6(d), 646.9 or 136. Make an arrest when there is reasonable cause to believe the subject of the restraining/protective order has violated the order and any of the following conditions is met (P.C. 13701):
  - a. The existence of the order and proof of service on the suspect has been verified by the officer.
  - b. The complainant produces a valid copy of the order bearing a file stamp of a court and a proof of service on the subject.
  - c. The existence of the order has been verified by the officer; no proof of service is required if the order reflects that the suspect was personally present in court when the order was made.
  - d. The existence of the order has been verified and there is proof that the suspect has previously been admonished or served a copy of the order.
2. When the officer verifies that a restraining/protective order exists but cannot verify proof of service or prior knowledge of order by suspect, the officer should:

**MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04**  
*Response to Domestic Violence*

9

- a. Inform the subject of the terms of the order.
  - b. The Monterey Police Department Notice of Service of Domestic Violence Restraining Order form shall be completed and a copy delivered to the restrained person.
  - c. Admonish the subject of the order, that the subject is now on notice and that the violation of the order will result in arrest. If the subject continues to violate the order after being advised of the terms, an arrest should be made. Oral notification to the respondent of the terms of the order shall be sufficient notice for enforcement of P.C.136.2, 273.6, and 12021(g). (Family Code 6383(e))
  - d. If the subject complies after admonishment of the terms, the officer shall make a retrievable report pursuant to Penal Code Section 13730 (c) showing the subject was admonished/advised of the terms of the order, the specific terms of the order subject was advised about, the name of the admonishing officer, time and date. The original of the M.P.D. Notice of Service of Domestic Violence Restraining Order form shall be attached and accompany the report.
  - e. The reporting officer shall immediately contact Records personnel, provide them with a copy of the Notice of Service form, and request that the DVROS be updated with the service information.
  - f. The department's copy of the restraining/protective order will be updated to reflect the admonishment information listed above. The notice or service shall immediately be transmitted to the California Department of Justice Domestic Violence Restraining Order System.
  - g. At the request of the protected party, the officer shall comply with all of the above.
3. In the event the subject has left the scene of the incident, an investigation would be made to determine if a crime has been committed. Penal Code Sections 13730 (c) and 13701 (h) require that a retrievable report shall be made and complainant shall be advised of the follow-up criminal procedure and case number of the report.

C. Order Not Verifiable

1. When the victim is not in possession of the restraining/protective order and/or, in the case of computer error, officers may not be able to confirm the order's validity.

# MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

## *Response to Domestic Violence*

10

- a. Penal Code Section 13730 (c) and 13701 (h) requires that an officer shall write a report, give the victim the police report number and direct the victim to contact the appropriate department unit for follow-up information.
- b. When an order is not verifiable through the verification procedures, officers shall advise the victim of the right to make a private person's arrest for the violation of the restraining/protective order.

### **Guideline 11 - VERIFY AND ENFORCE CRIMINAL PROTECTIVE/STAY-AWAY ORDERS.**

#### **A. Verification of Stay-Away Orders**

1. A stay-away order is issued in a criminal case where the probability of victim intimidation exists and violation of such is a misdemeanor under Penal Code Section 166. In domestic violence incidents where a person advises an officer that a Criminal Protective/Stay-Away Order has been issued, the officer should attempt to ascertain the terms and validity of the order.
  - a. Request the victim show a copy of the order. Verify, through the department, that the subject is under the court's jurisdiction, or
  - b. Verify, through the department, that a Criminal Protective/Stay-Away Order has been issued against the subject, or
  - c. Effective July 1, 1996, verify through the California Department of Justice Domestic Violence Restraining Order System.

#### **B. Arrest Criteria and Enforcement Procedures**

1. When the order has been verified, officers shall effect an arrest if the subject has violated any terms of the order. The report should note the specific violations of the order, and the victim shall be given the police report number for reference pursuant to Penal Code Section 13701 (h).
2. A violation of the order is a violation of Penal Code Section 166. This violation can be added to other charges such as assault or battery.
3. An act of victim intimidation relating to the court proceedings is a violation of Penal Code Section 136 et seq. Examples of intimidation include:
  - a. Attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding is a misdemeanor. (P.C. 136.1 (a), (b))



# MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

*Response to Domestic Violence*

11

- b. Attempting to prevent or dissuade a victim from attending or giving testimony by using force or by expressing or implying threat of force or violence related to the court proceeding is a felony. (P.C. 136.1(c))

## C. Order Not Verifiable

When the victim is not in possession of the Criminal Protective/Stay-Away Order and/or, in cases of computer error, officers may not be able to confirm the order's validity.

1. Penal Code Section 13730(c) requires that officers shall write a report, give the victim the police report number, and direct the victim to contact the appropriate department unit for follow-up information.
2. When an order is not verifiable through the verification procedures, officers should advise the victim of the right to make a private person's arrest for the violation of the restraining/protective order.

## VII. TENANCY

**Guideline 12** - REQUEST A PERSON WHO IS NOT IN LAWFUL POSSESSION OF THE PREMISES TO LEAVE THE PREMISES WHEN: (1) THE COMPLAINANT IS IN LAWFUL POSSESSION OF THE PREMISES, AND (2) THE COMPLAINANT HAS REQUESTED THAT THE PERSON LEAVE THE PREMISES.

## VIII. VICTIM ASSISTANCE

**Guideline 13** - ASSIST IN OBTAINING APPROPRIATE MEDICAL ATTENTION IF A COMPLAINANT CLAIMS INJURY, WHETHER VISIBLE OR NOT.

**Guideline 14** - ASSIST IN MAKING ARRANGEMENTS TO TRANSPORT THE VICTIM TO AN ALTERNATE SHELTER IF THE VICTIM EXPRESSES A CONCERN FOR SAFETY OR THE OFFICER DETERMINES A NEED EXISTS.

**Guideline 15** - STAND BY FOR A REASONABLE AMOUNT OF TIME WHEN A COMPLAINANT OR A SUSPECT REQUESTS LAW ENFORCEMENT ASSISTANCE WHILE REMOVING ESSENTIAL ITEMS OF PERSONAL PROPERTY.

**Guideline 16** - ASSIST VICTIMS IN PURSUING CRIMINAL OPTION, SUCH AS GIVING THE VICTIM THE REPORT NUMBER AND DIRECTING THE VICTIM TO THE PROPER INVESTIGATION UNIT. (P.C. 13701 (c) (8))

**Guideline 17** - PROVIDE THE FOLLOWING TO THE VICTIM IN WRITING:

**MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04**

*Response to Domestic Violence*

12

- A. For further information about a shelter you may contact: \_\_\_\_\_
- B. For information about other services in the community, you may contact: \_\_\_\_\_
- C. You have the right to ask the District Attorney ~~or City Attorney~~ to file a Criminal Complaint.
- D. You have the right to go to the Superior Court and file a petition requesting any of the following orders for relief at no cost:
  - 1. An order restraining the attacker from abusing the victim and other family members.
  - 2. An order directing the attacker to leave the household.
  - 3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
  - 4. An order awarding the victim or the other parent custody of or visitation with a minor child or children.
  - 5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
  - 6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
  - 7. An order directing the defendant to make specific debt payments coming due while the order is in effect. (If the parties are not married, the court can issue orders as to liens and encumbrances that come due while the order is in effect. This is not meant to include unsecured consumer debt.)
  - 8. An order directing that either or both parties participate in counseling.
  - 9. An order directing the suspect to batterers' counseling.
  - 10. An order for restitution.
- E. You have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property and any other related expenses incurred by the victim or any agency that shelters the victim.
- F. A statement informing the victim that, despite the alleged abusers' arrest, the suspect may be released at any time.



- G. A "Victims of Domestic Violence" card which shall include, but is not limited to:
1. The names and locations of rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.
  2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
  3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

IX. SEIZURE OF FIREARMS

**Guideline 18 - SEIZE AND TAKE TEMPORARY CUSTODY OF FIREARMS OR OTHER DEADLY WEAPONS IN PLAIN SIGHT OR OBTAINED PURSUANT TO A CONSENT SEARCH WHEN THERE IS A THREAT OF VIOLENCE OR A PHYSICAL ASSAULT AT THE SCENE OF A DOMESTIC FAMILY VIOLENCE INCIDENT. (PENAL CODE 12028.5)**

- A. This provision of law is permissive and allows the officer discretion.
- B. No firearm seized pursuant to this section shall be held less than 48 hours.
- C. Provide person from whom the firearm is taken a receipt describing the firearm and stating where and when the firearm can be recovered.
- D. If the seized firearm is not to be used as evidence in a criminal proceeding resulting from the domestic violence incident, or was not illegally possessed, it shall be made available for return no later than 72 hours after the seizure. One exception to the return of a firearm within 72 hours is found in P.C. 12028.5 (e) which authorizes the department to initiate a petition in superior Court to prohibit the release of a weapon where law enforcement has reasonable cause to believe that the return of the firearm or other deadly weapon would be likely to result in endangering the victim or person reporting the assault or threat. The agency must notify the owner of the weapon within 10 days of the seizure and initiate the petition.
- E. Check on court order requesting requiring removal of weapon or, prior to conviction of any crime, prohibiting possession and/or ownership of a firearm prior to release. (P.C. 12021(g))

MONTEREY POLICE DEPARTMENT - DIRECTIVE #85.04

*Response to Domestic Violence*

14

X. OFFICER SAFETY

**Guideline 19 - EXERCISE REASONABLE CARE FOR THE SAFETY OF OFFICERS AND PARTIES INVOLVED. NO PROVISION OF THIS GUIDELINE SHALL SUPERSEDE THAT RESPONSIBILITY.**



Floyd D. Sanderson, Police Chief

ORIGINAL: January 1986  
REVISED: January 1986  
REVISED: October 1988  
REVISED: June 1989  
REVISED: July 1996

# MONTEREY POLICE DEPARTMENT

## NOTICE OF SERVICE OF DOMESTIC VIOLENCE RESTRAINING ORDER (DVRO)

LOCATION \_\_\_\_\_

C.R.# \_\_\_\_\_

DATE/TIME \_\_\_\_\_

OFFICER \_\_\_\_\_

OFFCR. ID# \_\_\_\_\_

### Person Notified/Served

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

D.O.B. \_\_\_\_\_

City \_\_\_\_\_

Male / Female (circle)

### Protected Person(s)

Issuance Date of DVRO

Expiration Date of DVRO

Court Information (Department/Division Numbers)

Telephone Number of Court

Court Advisement (Copy DVRO)

Yes / No (circle)

Terms and Conditions of DVRO (including stay-away, no contact, and residency exclusion)

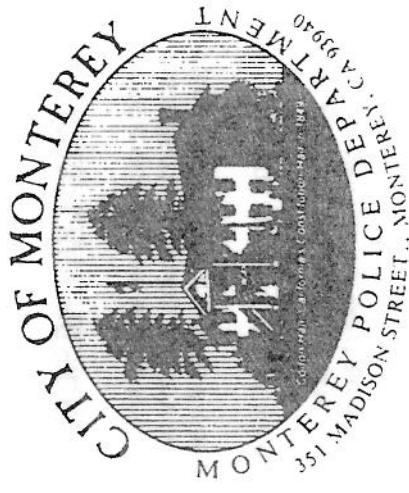
Signature of Person Served

Refused (circle)

### HIGHLIGHTS FOR YOUR USE

1. Effective July 1, 1996, arrest policies SHALL REQUIRE the arrest for a misdemeanor violation of 273.6 PC, absent exigent circumstances. Yes, this is yet another exception to the misdemeanor arrest rule!
2. A person arrested for a misdemeanor violation of a protective court order involving domestic violence, the person shall NOT be released on a citation (exceptions as noted in directive re-write).
3. Dual arrests shall be discouraged but not prohibited. Peace officers shall make reasonable efforts to identify and arrest only the primary aggressor. Presumably, the P.O.S.T. training video will give some pointers on this one.
4. Federal law requires states to enforce restraining orders issued in other states.
5. Officers shall ascertain if a restraining order has been issued, and if so, served, by verifying through the DOJ DV Restraining Order System (DVR0S).
6. An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance.
7. There will be an insert for cases of DV which include sexual assault. It will be self-explanatory.

If you have ANY questions in the meantime, let me know. Call me at home or, as always, my pager is always on.



Information to our  
citizens regarding  
Domestic Violence

CR # \_\_\_\_\_  
Ofcr \_\_\_\_\_ ID # \_\_\_\_\_

## **TO OUR MONTEREY RESIDENTS**

If you are a victim of domestic violence, we want to help you! The Monterey Police Department is committed to enforcing laws that will reduce domestic violence and provide some protections for victims if it occurs.

Domestic violence is a growing problem in our society. Hundreds of thousands of citizens are harmed; in this case not by strangers, but by those they trust and love. They are not usually victimized on the street nor in the work place, but in their own homes. Most experts agree that people who commit violence against loved ones have learned that behavior when they were growing up. Accordingly, to tolerate family violence is to teach children that family violence is acceptable behavior. They learn to treat their family the same way when they are grown up.

The reasons for family violence are very complicated in causes, and so are the solutions. To be hurt by a husband or wife, a parent, a trusted adult or your own child carries with it a particular agony. Victims are confused with feelings of fear, loyalty, love, guilt and shame. They are torn between the desire to protect and help a loved one, and their responsibility to their own safety or others in the family. Anyone living in a violent home experiences a loss —the one place on earth that should be safe and secure has become a place of danger.

Our attitude is that violent behavior in the home is criminal behavior and must be treated as a crime. Our ultimate purpose is to stop violence through enforcement of the laws. This brochure is designed to provide victims with information designed to stop domestic violence. Use it if necessary, and never hesitate to call the Monterey Police Department for help. If you are in danger of, or have just become a victim of domestic violence, call 9-1-1 at once.

Floyd D. Sanderson  
Police Chief  
Monterey Police Department

### WHAT DO I DO IF THE PERSON DOES WHAT THE RESTRAINING ORDER SAYS THEY CANNOT DO?

Call the Police. If the violator is aware of the order and has violated it, an arrest can be made. You must have a copy of the order bearing a file stamp of the court and showing proof of service on the subject (that the violator was given a copy) available for the Officer to review (the person who helped you get the order can explain what the file stamp and proof of service is).

### ARE THERE ANY OTHER "ORDERS" I CAN GET TO STOP DOMESTIC VIOLENCE?

Yes, there are. You can go to the Superior Court, in the Courthouse at 1200 Aguajito Road, Monterey, and go to the County Clerk's Office on the 3rd floor, then to the Civil Section and file a petition requesting any of the following orders for relief. After reviewing the information, a judge may:

- a. Order restraining the person from hurting you and any other family members.
- b. An order preventing the person from entering your home, school, business or place of work.
- c. An order directing the person to leave the house.
- d. An order awarding you or the other parent custody of or visitation with a minor child or children.
- e. An order restraining the person from molesting or interfering with minor children in your custody.
- f. An order directing the person not granted custody to pay support of minor children, if that person has a legal obligation to do so.
- g. An order directing the person to make specified debt payments coming due while the order is in effect.
- h. An order directing that the person and/or you participate in counseling.

### CAN I SUE THE PERSON WHO COMMITTED THE "DOMESTIC VIOLENCE"?

Yes, you have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings and other expenses for injuries caused and damage to property and any other related expenses paid by you or any agency that shelters you.

### WHAT CAN I DO IF THE POLICE DO NOT MAKE AN ARREST AND I FEEL THEY SHOULD HAVE?

You have the right to ask the District Attorney to file a complaint, telephone 755-5070.

### ARE THERE OTHER AGENCIES THAT CAN HELP ME WITH DOMESTIC VIOLENCE SITUATIONS?

Yes there are. Five agencies are listed below.

Victim/Witness Assistance Program: 8 a.m.-5 p.m. weekdays 647-7772. Provides assistance with your case, court proceedings, return of property, restitution, referral to community agencies and state victim compensation program. For information about other services in the community, where available, you may contact someone at this program who will advise you.

Rape Crisis Center: 24-hour service, 375-4357



YWCA Crisis Line & Shelter: 24-hour service, 372-6300

Assistance with domestic violence problems, including family emergency shelter service, counseling and presentations. For further information about a shelter, you may contact this agency.

Suicide Prevention Center: 24-hour service, 649-8008

Family Resource Center: 394-4622

Assistance for child abuse/ neglect and family group counseling.

### **WHAT IS THE VICTIM'S COMPENSATION PROGRAM?**

The State of California has funds to reimburse residents who suffer injuries from a crime of violence that results in financial loss. Call the "Victim/Witness Assistance Program" for detailed assistance. The District Attorney's Office handles the program, 755 - 5070

You may apply if you are the victim of a crime of violence or if you are legally dependent on the victim for support. If the victim is deceased, anyone who pays the burial or medical expenses may file. If the victim is a minor, the parent or guardian of the victim must apply for the child.

## **DOMESTIC VIOLENCE**

### **WHAT WILL THE POLICE DO?**

First, they will stop any violence taking place. Second, they will gather all information on the situation to decide what should be done next. Depending on the circumstances, the Police may make an arrest, a citizen's arrest may be made, a court order may be enforced, or other alternatives may be considered.

### **WHEN CAN THE POLICE MAKE AN ARREST?**

A Police Officer can arrest for a felony (serious) crime that has occurred – whether in his/her presence or not in his/her presence. An Officer can arrest for a misdemeanor (less serious) crime that occurs in his/her presence. If the misdemeanor crime does not occur in his/her presence, the Officer cannot arrest unless the victim or a witness makes a citizen's arrest.

### **WHAT KIND OF A CRIME OCCURS WHEN A PERSON IS SLAPPED OR HIT?**

Generally, this is a misdemeanor crime and would require the victim to make a citizen's arrest. It could be a felony. If so, the Officer can make the arrest if the slap or hit results in a traumatic condition. (Traumatic condition means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.) The person arrested may be released at any time.

### **HOW IS A CITIZEN'S ARREST MADE? DOES THE VICTIM HAVE TO PHYSICALLY MAKE THE ARREST?**

All the Victim has to do is to sign a citizen's arrest form the Officer has. The Officer is then able to take the person into custody. The person arrested, once booked, may post bail; or, if determined to be appropriate, may be cited and released. The Officer will then make a report, which will be taken to the District Attorney's (D.A.'s) Office. The D.A. will review it to determine whether or not there is sufficient evidence to go to court. If there is, the case will be tried in front of a judge.

The Victim/Witness Assistance Program is available to answer any questions during the entire court proceeding — 647-7772

### **WHAT IS A RESTRAINING ORDER?**

It is a court order restricting a person's actions. If you have been threatened, harassed, abused or assaulted (pushed and struck), you can get a restraining order. The YWCA —649-0834, Monterey County Legal Services Corporation, 375 - 0505, or a private attorney can assist you in obtaining an order.



MONTEREY POLICE DEPARTMENT

TO: All  
FROM: Lt. Roseman  
DATE: November 1, 1996  
SUBJECT: Domestic Violence Training Material

*Open to Faith  
Lilly  
Richard  
Nub  
AL 5/2*

Attached is miscellaneous material for your review. As promised, included is the "Lethality List" given in the training video. Too, some "interviewing" techniques as they relate to the crime of domestic violence are given.

In addition, information re: response to "stalking" is there, as well as a couple of examples of T.R.O. declarations.

Thanks.

*STOP THE VIOLENCE*

*MAKE THE VICTIM SAFE (R)*

*HOLD THE BATTERER  
ACCOUNTABLE*

## WHAT IS DOMESTIC VIOLENCE?

*ABUSE COMMITTED AGAINST  
ANOTHER ADULT OR EMANCIPATED  
MINOR.*

- 1. ACTUAL ASSAULTS, BATTERIES  
OR WORSE.....*
- 2. PLACING ANOTHER IN FEAR....  
THREATS OF VIOLENCE AND  
VICTIM'S PERCEPTION OF FEAR.*

*EACH SITUATION DEMANDS A REPORT  
BY POLICE.*

DOMESTIC VIOLENCE VICTIMS ARE:

1. SPOUSES OR FORMER SPOUSES
  2. COHABITANTS OR FORMER COHABITANTS
  3. DATING/ENGAGEMENT RELATIONSHIP (PAST OR PRESENT)
  4. HAD A CHILD TOGETHER
- \* CAN BE SAME SEX
- \* KEY IS "INTIMATE RELATIONSHIP"

# *LETHALITY LIST*

*Threats of homicide or suicide*

*Fantasies of homicide or suicide*

*Depression*

*Weapons*

*Obsessiveness about partner or family*

*Job threatening circumstances*

*Rage*

*Drug or alcohol consumption*

*Pet abuse*

*Access to the battered woman and/or family members*

*parole, o/s warrants, nothing left to lose*

## *PENAL CODE SECTIONS*

<i>273.5</i>	<i>653 m</i>
<i>273.6</i>	<i>646.9</i>
<i>240</i>	<i>211</i>
<i>242</i>	<i>220</i>
<i>243</i>	<i>262</i>
<i>245</i>	<i>207</i>
<i>417</i>	<i>236/237</i>
<i>418</i>	<i>602.5</i>
<i>422</i>	<i>203</i>
<i>594</i>	<i>664/187</i>
<i>136.1 (c)</i>	<i>187</i>
<i>591</i>	<i>12020</i>
<i>597</i>	<i>12025</i>
<i>148</i>	<i>12031</i>
<i>647 f</i>	<i>12028.5</i>

*PLUS PROPERTY CRIMES  
(NOT ALL INCLUSIVE)*

*RESPONSE TO DOMESTIC VIOLENCE*

*CALLS IS*

*CRIME INTERVENTION*

*NOT*

*CRISIS INTERVENTION*

## BUILDING THE CASE

1. PHOTOS OF VICTIM INJURIES
2. FOLLOW-UP PHOTOS OF INJURIES
3. 911 TAPES/PRINTOUTS
4. MEDICAL RECORDS
5. PARAMEDIC RUN-SHEETS
6. TORN CLOTHING/BLOOD EVIDENCE
7. DAMAGED FURNITURE
8. WEAPONS
9. EMPLOYEE RECORDS
10. TELEPHONE RECORDS
11. LETTERS FROM THE DEFENDANT
12. DIAGRAMS OF SCENE
13. DIAGRAMS OF VICTIM
14. PHOTOS OF THE DEFENDANT
15. PHOTOS OF THE CHILDREN



*MAKING THE CASE WITHOUT  
THE VICTIM*

*PHOTOS*

*SPONTANEOUS STATEMENTS  
(EXCITED UTTERANCES)*

*WITNESS STATEMENTS (ALL)*

*EVIDENCE*

*PRIOR HISTORY*

*MEDICAL RECORDS*

*ADMISSION BY THE SUSPECT*

*911 TAPE RECORDINGS*

*EXPERT TESTIMONY*

*NO ONE DESERVES TO GET HIT.*

*I AM AFRAID FOR YOUR SAFETY.*

*I AM AFRAID FOR THE SAFETY  
OF YOUR CHILDREN.*

*IT WILL GET WORSE*

*I AM HERE FOR YOU WHEN YOU  
DECIDE TO LEAVE.*

SOPHISTICATION OF BATTERERS

INTERVIEW OF VICTIMS

....SEMANTICS TO USE

A VICTIM IS A VICTIM IS A VICTIM...

SELF-DEFENSE? MUTUAL COMBAT?  
MUTUAL VIOLENCE?

....PRIMARY AGGRESSOR?

MALE ENTITLEMENT ISSUES

YOUR OWN HISTORY? RELY ON THE  
LAW AND PROBABLE CAUSE

LIABILITY ISSUES  
UNDERREACTION

## *SIX MOST COMMON AREAS OF OFFICER LIABILITY*

- . Failure to take proper actions to protect a citizen.*
- . Failure to appropriately enforce a court order protecting a victim of domestic abuse.*
- . Failure to respond at all or in a timely manner.*
- . Failure to provide information to a victim as required by law.*
- . Arresting a citizen without establishing probable cause.*
- . Exhibiting a pattern of differential treatment or application of the law to domestic assault cases.*

## *OFFICER IMMUNITY*

*A peace officer acting in GOOD FAITH and exercising due care in making an arrest pursuant to subdivision one is immune from civil liability that might result from the officer's action.*

## COMMON HEARSAY STATEMENTS

### 1. SPONTANEOUS DECLARATIONS OF VICTIM

- a. Officer
- b. Children
- c. Relatives/Neighbors
- d. Paramedics
- e. Doctor/Nurse
- f. 911 Operator

### 2. ADMISSIONS BY THE DEFENDANT

- a. Officers
- b. Victim
- c. Children
- d. Relatives/Neighbors
- e. 911 Operator
- f. Jail Booking Personnel

## INTERVIEWING THE VICTIM

- Interview the victim separately in a different room than where the other officer is interviewing the apparent suspect.
- Let the person know you are concerned. Your tone of voice, eye contact and the words you choose will convey this message.
- If the person is highly agitated and wants to attack the suspect physically or verbally, use distracting techniques.
- Let the person tell her/his story before you start asking clarifying questions. Then ask questions to draw out more details.
- Be nonjudgemental in your questioning and acknowledge the person's fear, anxiety, anger or ambivalence about what occurred.
- Reassure the person that help is available and that intervention is important to get the alleged suspect to stop further acts of violence.
- Reassure the person that she/he is not to blame.

## INTERVIEWING THE SUSPECT

- Interview the suspect separately in a different room than where the other officer is interviewing the apparent victim.
- Ask the suspect to be seated and try to calm him/her if he/she is in an agitated state.
- Do not make accusatory statements that will put the suspect on the defensive.
- Acknowledge the suspect's frustrations, concerns and anger.
- Allow the suspect to tell his/her story before confronting him/her with conflicting information.
- Document spontaneous admissions like "I hardly pushed her" or "She bruises easily" or "I was trying to get her to listen so I just grabbed her."
- Do not collude with the suspect by saying you understand how he/she could get to the point of using violence. Be clear that anger or verbal confrontations don't cause violence.
- If asked, don't tell the suspect that the apparent victim called the police.



## INTERVIEWING CHILDREN

- Interview the child away from both parents.
- Interview the child in a place comfortable for children.
- Get on the child's level (crouch or sit).
- Befriend the child first. Ask questions to make the child comfortable. Explain why you are there and why you took whatever action you did.
- Be sure not to indicate a response you are looking for, or the child may simply comply.
- Be aware of any indication that the child is fearful of one or both parents.
- Be aware of a child's inclination to feel responsible or to feel guilty about what has happened. Reassure the child.
- Be aware that if a child is also the victim of abuse, he/she may be distrustful of any adult or been warned never to talk to an outsider, such as a police officer. Don't pry information from the child.

## S T A L K I N G   I N V E S T I G A T I O N

### (A) P A T R O L   O F F I C E R   R E S P O N S E :

Radio response to Domestic Violence problem.

Initially evaluate situation as with any violation, and handle like any other case.

If the suspect in question lives with the victim, this cannot be considered a stalking case.

History is essential:

Check for prior incidents of Domestic Violence with-in the last six months.

Gather prior case numbers, and types of crimes committed.

Check for recently issued, or valid T.R.O.'S, and behavior patterns of the suspect.

Check for various threats made to the victim, victims family or friends. associates, and were the threats direct, veiled, or conditional.

If there is no T.R.O., evaluate for an E.P.O.

Check for other crimes committed against victims family, and mutual friends, where there is no suspect information.

If the crime is a valid stalking case, collection of evidence is imparitive:

collect letters.

tapes.

flowers.

candy.

jewelry.

photographs of relationship.

animal abuse.

any other item which would point to a viable suspect.

### (B) A C T I O N S   T A K E N   B Y   V I C T I M :

Change phone number.

Call telephone company to access a trap.

Moved, and how often.

Changed jobs.

Sold vehicles.

Screened mail.

Cellular phones purchased.

Self defense lessons.

Bought pepper spray, chemical agent.

Installed alarm, or security system in residence or vehicle.

THE: FIRST THREE ITEMS CAN BE EVALUATED BY PATROL OFFICER'S,  
AND THE REMAINING ITEMS CAN BE ASKED BY THE INVESTIGATOR.

I. How to identify stalkers and stalking behavior.

1. Behaviors:

Violations of any protective order by  
visits to victim's home or any other location.  
Telephone calls (harassing, threatening, obscene or  
otherwise)  
Mail, (cards, letters, gifts) to victim  
Threat by mail is a federal felony  
Trespassing  
Burglary of victim's home (often shows no forced  
entry because stalker has a key)  
Following victim on foot or in a vehicle

Threats may be:

Direct  
Veiled  
Conditional

Vandalism of victim's property, home, vehicle,  
workplace or vandalism to the property, etc. of any  
friend or family member who helps her especially  
by allowing her to stay at their home.

Stalkers will unscrew security or outside lights  
around the victim's home or disable the alarm  
system.

Stalkers disable victims vehicles.

Stalkers transfer the victim's phone line to  
another line in order to monitor messages.  
They may also disable the phone.

They also sometimes plant listening devices in  
their victim's home.

Stalkers also put "change of address" forms in at  
the post office with the victim's info in order to  
"intercept" the mail.

(List is not all inclusive)

## Sample of TAO Declaration

Person to be Protected:

Person to be Restrained:

The defendant and I have known each other since November 25, 1994. We have lived together twice since 1996. On March 17, 1995 when I tried to break up with the defendant, he tried to kill me in my home. On March 17, 1995, he smashed pictures with his fists, broke a mirror and window, stormed throughout the house yanking all the telephones out of the wall and threw them to the floor. He said, "call the police now!" Then he stated, "I'm going to kill you." He began slapping me on both sides of my face and threw me to the floor. He stomped on my chest and the next thing I remember is that I was face down with my head toward the front door and he was sitting on my back strangling me until I saw black. I got away and ran across the street screaming for help. I was extremely bruised on my body and face. The neighbors helped by calling the police. The police issued a warrant for attempted murder. He turned himself in the next day and served a few hours in jail. He was convicted of a misdemeanor, given probation, domestic violence counseling and community service. In July of 1995 he was picked up for driving on a suspended license and for drunk driving. This violated his probation and he was placed on house arrest (home confinement). Again he violated probation by straying out of bounds on home confinement. He went to jail for almost two months.

The defendant has smoked cocaine, displayed unpredictable and erratic behavior and has missed his meetings for domestic violence. Approximately four months ago the defendant began choking me after he said that I did not love him. On September 5, 1996 I allowed the defendant to move into my house temporarily. I told him that alcohol and drug use would not be tolerated, that they would be grounds for moving out. Since September 5, 1996, four times, that I am aware of, he has smoked cocaine in my home. I am frightened and feel trapped in this.

Sample of TRO  
declaration

Person To Be Protected:

Person To Be Restrained:

The defendant and I have known each other for four years and lived together for 6 months. From September to October of 1995 we were living in France. The defendant moved out of my home in November of 1995 and on December 5, 1995 he attacked me and I called the police. I had told him not to come around and he walked up to the driveway and even though I said it was over, he became angry, pinned me against my workbench in my garage. He then pulled me by the collar and tried to drag me upstairs. I was able to get out of his grasp and I went to the bottom of my driveway where a neighbor was standing. I was scared and crying. My neighbor took me in and I called the police. The police told him not to contact me and not to come back.

From December to January, February and March, he continued to contact me on a regular basis. He telephoned me, drove by my place, parked and waited until I came home, called me at work, e-mailed me and has demanded money. He also sent me cut up photos, all of the check stubs, receipts and plane ticket stubs from the trip to France and other receipts for money spent on me. Neighbors noticed him and the police were called and they found him parked in my neighborhood. I believe he was stalking and watching me.

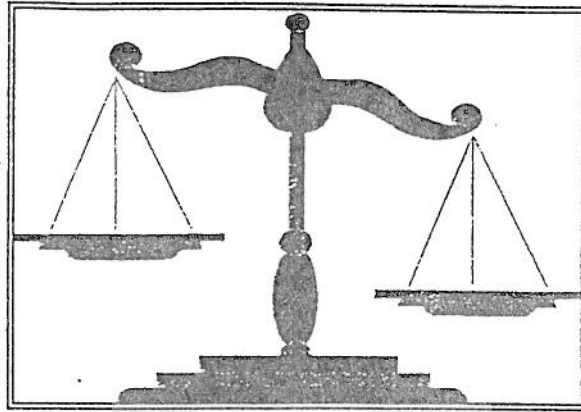
On two occasions, In December of 1995, he pinned me to the couch. Another time he also said he "wanted" to "blow" his "brains out in front" of me. He continued to contact me, even though I wanted nothing to do with him, throughout February, 1996. He was in France during the middle of February to the middle of March and he called and E-mailed me from there. He called me three times at home on 3/24/96 and E-mailed me on 3/26/96. On 3/28/96 he left a phone message. On 3/29/96 he telephoned me and on 3/30/96, the police came to get permission from me to let the defendant pick up some personal belongings.

I believe that the defendant is unstable and because of his threatened suicide and the fact that he has a gun, plus his pattern of stalking and controlling behavior I fear that my safety is also in danger.





# TEMPORARY RESTRAINING ORDERS



**GROUP: Thursdays, 6:00 PM - 7:30 PM**

A group for women who have been through the restraining order process or who want to find out more about restraining orders. Problem-solving, support, court protocol education, advocacy, referrals, questions.

Facilitators: Pamela McDonald, Victim Advocate Volunteer  
Barbara Davies, Program Director



**CLINIC: Thursdays, 6:00 PM - 9:00 PM**  
**Saturdays, 9:00 AM - 12 Noon**  
**or by appointment.**

A drop-in clinic (first come, first served basis) designed to help clients fill out the necessary legal-documents to obtain a temporary restraining order (TRO).

Coordinator: Barbara Davies, Program Director  
Staff: Volunteer attorneys and victim advocates



The YWCA of the Monterey Peninsula  
150 Mar Vista Drive  
Monterey, CA 93940

For more information, call Barbara at 649-0834



A United Way Agency





CITY COUNCIL

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CITY OF PACIFIC GROVE

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ADMIN. SERVICES DIRECTOR  
CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

July 8, 1997

Mr. D. Roger Loper, Foreman  
1997 Monterey County Grand Jury  
P.O. Box 1819  
Salinas, California 93902

Dear Mr. Loper:

Your letter to Mayor Pro Tem Robert E. Davis, dated June 16, 1997, was referred to this office for reply.

In regard to an annual briefing by the Monterey Bay Unified Air Pollution Control District, the Grand Jury found the concept of a joint meeting involving the MBUAPCD and a group of cities to be acceptable. However, the question was raised regarding a time frame for such a meeting.

**Response: It is more effective and efficient for the Mayors' Committee to coordinate the scheduling of such a joint meeting and the City of Pacific Grove will ask the Committee to discuss the matter at its monthly meeting on August 1, 1997.**

**It is anticipated that the joint meeting will be held in the Spring of 1998, although the final date will be decided by the Mayors' Committee and the MBUAPCD.**

The City's response to a number of issues associated with affordable housing were questioned in your letter of June 16, 1997.

**Response: The attached memorandum was prepared by Mr. Dennis Boehlje, Housing Analyst, and responds to questions raised by the Grand Jury concerning our original reply.**

Thank you for your patience in this matter and please contact me if you have any questions or desire additional information.

Sincerely,

Michael W. Huse  
City Manager

cc: Mayor and City Council  
City Attorney

## Memo

---

**Date:** June 26, 1997  
**To:** City Manager  
**From:** Housing Analyst  
**Re:** Grand Jury Recommendations on Affordable Housing - Revised Response

---

In a memo to you dated April 15, 1997, I addressed affordable housing recommendations put forth in the 1996 Grand Jury report. The Grand Jury's response to that memo, dated June 16, 1997, requests that we respond in a manner consistent with Penal Code Section 933.05. This has given me the opportunity to review my original response, in which I generally agreed with concepts that, after further consideration, I feel may not be practically achieved.

In general, I think it inappropriate for any one jurisdiction, such as Pacific Grove, to affirmatively respond to recommendations to consolidate public management of efforts to provide affordable housing without knowing the ramifications of implementing such a plan. Certainly there is no way to project a timeframe for accomplishing such a proposal when it is dependent upon the actions and approvals of numerous other agencies.

The following recommendations have been implemented by the City of Pacific Grove [Penal Code Section 933.05(b)(1)]:

- a. **Identification of unmet needs** for housing of low income residents has been addressed thoroughly in our recently completed Affordable Housing Study funded by a CDBG Planning and Technical Assistance Grant. Needs were identified and possible solutions were proposed.
- b. **Identification of unused housing resources** was also specifically addressed in the Affordable Housing Study. While further options may be made evident to staff and the Committee on Affordable Housing in the future, this recommendation has been implemented to the maximum extent feasible to this date.
- c. **Identification of appropriate locations** for low income housing was done in detail for our community as a part of the aforementioned Affordable Housing Study, and also in the early stages of the Senior Housing Study also funded by a CDBG Planning and Technical Assistance Grant.

The Grand Jury classified our response to items d and e as indicative that they would be implemented, but no timeframe was given. After further review, I would suggest that these recommendations require further analysis [Penal Code Section 933.05(b)(3)], which cannot be resolved by July 29, 1997, because they can be implemented only with the assistance and cooperation of other jurisdictions:

- d. **Consolidation of public management** of the effort to provide affordable housing using the Housing Authority as the lead agency may be a logical step, as long as local jurisdictions are not expected to relinquish all control of their affordable housing programs (such as our Housing Rehabilitation Loan program). I think it requires careful consideration of all jurisdictions to determine whether this approach would be cost effective, and whether it would provide benefits. Creation of a "super agency" to meet regional needs is commonly perceived as a panacea for such problems, but in reality I am skeptical of the probable benefits. Since this must be a cooperative effort between many jurisdictions over which Pacific Grove has no authority, there is no way for us to dictate a time frame for implementation, if it is perceived as being worthwhile at all. We can do no more than offer our cooperation and a willingness to meet with the Housing Authority and other jurisdictions to discuss the possibilities, whenever they consider it appropriate.
- e. **Creation of a management team** with representatives from the Housing Authority, County, and the various cities, for the purpose of working with the private sector to provide affordable housing, also requires more study. I see the benefits of this type of organization more of a means of the housing professionals from various agencies meeting, sharing information and recommending policies, than as one that can accomplish much on its own. Once again, we cannot dictate the timing of this proposal, but we stand ready to cooperate whenever the other jurisdictions desire.

After further review, I feel that, practically speaking, the following recommendations will not be implemented in our jurisdiction [Penal Code Section 933.05(b)(4)]:

- f. **To give the aforementioned team political authority** is not practical and may not be advisable. It would be beneficial to have uniform county-wide in lieu fees, so that developers know what to expect in each community. I doubt that it would be useful for the jurisdictions to join forces in applying for state and federal grants, because I know of no current grants that would be available to this organization which are not currently available to individual jurisdictions. It also would be difficult to establish an equitable method of utilizing many existing grant opportunities, such as CDBG funds where some jurisdictions have entitlements and others seldom qualify. Establishing a workable method of contribution and distribution of funds will require a cooperative effort of monumental proportions, which I doubt could be accomplished.
- g. While **identification of redundant staffing, facilities and functions** sounds like a worthwhile goal, experience shows that the opposite may be the case. The creation of an additional organization, committee or "team" to coordinate these efforts, will most likely create additional demands upon existing staffs, and most jurisdictions will want to protect their parochial interests by maintaining those staffs. At least in the short term, I believe this goal to be unrealistic.
- h. **Delegation of authority to this lead agency** would be important for its effectiveness, but obviously will be difficult because of the disparate interests of the various jurisdictions. I sincerely doubt that this recommendation can be implemented in the short term.

CITY COUNCIL

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CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

June 25, 1997

D. Roger Loper, Foreman  
Monterey County Grand Jury  
P.O. Box 1819  
Salinas, California 93902

**Re: Your June 16, 1997, Letter to Mayor Pro Tem Robert E. Davis**

Dear Mr. Loper:

Today Mayor Pro Tem Davis asked me to respond to your letter.

City Manager Michael Huse is out of town and will not return until July 2<sup>nd</sup>. Because Mr. Huse will be involved in responding to your required advice items, we will be slightly tardy as to a couple of them. Thank you for your patience. We will respond as soon as possible.

Sincerely,

George C. Thacher  
City Attorney

cc: Mike Huse  
Dennis Boehlje  
Robert Davis

7-23-97

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Robert E. Davis, Mayor Pro Tem  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

Dear Mayor Davis:

Thank you for your letter of April 24, responding to the 1996 Grand Jury Final Report. Your letter concerns the section of the 1996 Grand Jury Final Report dealing with the Monterey Bay Unified Air Pollution Control District. Your letter also references two other documents sent to us from Pacific Grove:

- Letter dated February 20, 1997, from Chief of Police Jon Reither on Domestic Violence;
- Memo dated April 15, 1997, from Housing Analyst Dennis Boehlje on Affordable Housing.

As you are probably aware, the California Legislature passed a bill in 1996 revising many procedural matters concerning Grand Juries. One major change was the definition of what constitutes acceptable responses to Grand Jury recommendations. The new requirements are in the 1997 edition of the California Penal Code, Section 933.05. The 1997 Monterey County Grand Jury has decided to classify the many responses requested in the 1996 Final Report according to this revised section of the Penal Code.

In studying Pacific Grove's responses, the Grand Jury has classified them as follows:

MBUAPCD Pacific Grove was asked to respond to Recommendation 3.

Penal Code Section 933.05(b)(2) Recommendation will be implemented, with a timeframe for implementation given.

Recommendation 3, except no timeframe is given in your response. The idea of a group of Cities coming together for the MBUAPCD briefing is, of course, acceptable. However, please advise the Grand Jury by June 30, 1997, just when you plan to do this.

Mr. Robert E. Davis, Mayor Pro Tem  
June 16, 1997  
Page two

Affordable Housing Pacific Grove was asked to respond to Recommendations 1a through 1h.

Penal Code Section 933.05(b)(1) Recommendation has been implemented.  
Recommendations 1a and 1c.

Penal Code Section 933.05(b)(2) Recommendations will be implemented, with a timeframe for implementation given.

Recommendations 1d and 1e, except no timeframe has been provided.  
Please work out the timing and advise the Grand Jury by June 30, 1997.

Penal Code Section 933.05(b)(3) Recommendations require further analysis, to be completed within 6 months after the date of issue of the Grand Jury Report.

Recommendations 1f and 1h, except there is no undertaking to resolve these issues by any time certain. Under the new Penal Code rules, these must be resolved by July 29, 1997.

Penal Code Section 933.05(b)(4) Recommendation will not be implemented.  
Recommendation 1g

Domestic Violence Pacific Grove was asked to respond to all six recommendations.

Penal Code Section 933.05(b)(1) Recommendation has been implemented.  
Recommendations 1, 2, 3, 4, 5, and 6.

Should you disagree with any of the classifications of responses we thought best fitted the information in your letters, please let us know.

Yours truly,



D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

Attachment: Penal Code Section 933.05

DRAFT  
5-26-97

Grand Jury Stationery  
TO: Gerry Gerbrandt for Administration Comm. Consideration  
Bob LeFevre for Cities Comm. Consideration  
Mel Spehn for Health and Welfare Comm Consideration

Mr. Robert E. Davis, Mayor Pro Tem  
City of Pacific Grove  
300 Forest Avenue  
Pacific Grove, CA 93950

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As you are probably <sup>3/</sup>ware, the California Legislature passed a bill in 1996 revising many procedural matters concerning Grand Juries. One major change was the definition of what constitutes acceptable responses to Grand Jury recommendations. The new requirements are in the 1997 edition of the California Penal Code, Section 933.05. The 1997 Monterey County Grand Jury has decided to classify the many responses requested in the 1996 Final Report according to this revised section of the Penal Code.

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Penal Code Section 933.05(b)(1) Recommendation has been implemented.

Recommendations 1a, 1c,

Penal Code Section 933.05(b)(2) Recommendations will be implemented, with a timeframe for implementation given.

Recommendations 1d and 1e, except no timeframe has been provided. Please work out the timing and advise the Grand Jury by June 30, 1997

Penal Code Section 933.05(b)(3) Recommendations require further analysis, to be completed within 6 months after the date of issue of the Grand Jury Report.

Recommendations 1f and 1h except there is no undertaking to resolve these issues by any time certain. Under the new Penal Code rules, these must be resolved by July 29, 1997.

Penal Code Section 933.05(b)(4) Recommendation will not be implemented.



CITY COUNCIL

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CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

April 24, 1997

*Copies to Faith  
Kathy  
Richard  
Mike  
DL 5/2*

The Honorable Jonathan Price, Presiding Judge  
Monterey County Superior Court  
240 Church Street  
Salinas, California 93901

Dear Judge Price:

The City of Pacific Grove appreciates the opportunity to respond to issues raised in the Final Report of the 1996 Monterey County Civil Grand Jury. Specifically, there are three matters addressed in the Report that require responses by the City of Pacific Grove. The first is titled "Domestic Violence Follow-Up Report" (pages MYR-1 to MYR-20). A response to this issue was prepared and distributed under separate cover by Pacific Grove Police Chief Jon Reither.

The second issue relates to "Housing for Low-Income Residents in Monterey County" (pages 43 to 47) and the City's response is contained in the attached memorandum from Housing Analyst Dennis Boehlje. It reflects steps taken by the City of Pacific Grove to address affordable housing in our community and expresses a strong willingness to participate in regional efforts to identify and meet affordable housing needs.

The third issue involves the Monterey Bay Unified Air Pollution Control District and the need to more effectively educate and inform city councils, businesses, and the general public about the activities and responsibilities of the District (pages 21 to 25). The City of Pacific Grove supports all efforts to acquaint the public with the myriad jurisdictions, including the Air Pollution Control District, that comprise local government. However, rather than require the District to hold thirteen (twelve cities and the County of Monterey) separate briefing sessions, as recommended in the 1996 Grand Jury Report, the City of Pacific Grove suggests that an annual summit be held for the purpose of hearing from the District. This



*The Honorable Jonathan Price, Presiding Judge*

*April 24, 1997*

*Page 2 of 2*

seems to us to be a more efficient and cost effective way of keeping local agencies and the general public informed of District activities.

Thank you and please call City Manager, Michael Huse, and/or City Attorney George Thacher if you have any questions or need additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Davis", with a stylized, flowing script.

Robert E. Davis  
Mayor Pro Tem

cc: Mayor and City Council  
City Manager  
City Attorney  
Community Development Director

## Interoffice Memo

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**Date:** April 15, 1997  
**To:** City Manager  
**From:** Housing Analyst  
**Re:** Grand Jury Recommendations Re: Affordable Housing

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The 1996 Grand Jury reached a number of conclusions concerning the provision of affordable housing based upon a series of findings, with which I generally agree. The recommendations of the Grand Jury, as they pertain to the City of Pacific Grove, are addressed below:

- a. **Identification of unmet needs** for housing of low income residents has been addressed thoroughly in our recently completed Affordable Housing Study funded by a CDBG Planning and Technical Assistance Grant. Needs were identified and possible solutions were proposed.
- b. **Identification of unused housing resources** beyond any already utilized in the community, will be difficult. However, a concentrated effort to isolate previously unidentified solutions may produce additional resources. Staff and the Committee on Affordable Housing can pursue this in the months ahead.
- c. **Identification of appropriate locations** for low income housing was done in detail for our community as a part of the aforementioned Affordable Housing Study, and also in the early stages of the Senior Housing Study also funded by a CDBG Planning and Technical Assistance Grant.
- d. **Consolidation of public management** of the effort to provide affordable housing using the Housing Authority as the lead agency is a logical step, as long as local jurisdictions are not expected to relinquish all control of their affordable housing programs (such as our Housing Rehabilitation Loan program).
- e. **Creation of a management team** with representatives from the Housing Authority, County, and the various cities, for the purpose of working with the private sector to provide affordable housing, could be very beneficial to all jurisdictions. We should strongly support this effort.
- f. **To give the aforementioned team political authority** would be essential to accomplish its goals. It would be beneficial to have uniform county-wide in lieu fees, so that developers know what to expect in each community. It also would be useful for the jurisdictions to join forces in applying for state and federal grants, although it may be difficult to establish an equitable method of utilizing CDBG funds because some jurisdictions have entitlements.
- g. While **identification of redundant staffing, facilities and functions** sounds like a worthwhile goal, experience shows that the opposite may be the case. The creation of an additional organization, committee or "team" to coordinate these efforts, will most

likely create additional demands upon existing staffs, and most jurisdictions will want to protect their parochial interests by maintaining those staffs. At least in the short term, I believe this goal to be unrealistic.

- h. **Delegation of authority to this lead agency** will be important for its effectiveness, but obviously will be difficult because of the disparate interests of the various jurisdictions. Again, if it can be accomplished, it will be worthwhile, and we should support this effort.

The findings observed that there is no coordinated effort to address affordable housing issues. My understanding is that AMBAG is to serve in that capacity to some extent, and I'm surprised that the report makes only limited reference to their involvement. Some of these issues could be addressed by that agency.



Dennis Boehlje  
Housing Analyst

cc: Community Development Director



## PACIFIC GROVE POLICE DEPARTMENT

580 PINE AVENUE  
PACIFIC GROVE, CALIFORNIA 93950

February 20, 1997

The Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
Monterey County Courthouse  
P.O. Box 414  
Salinas, CA 93902

Dear Judge Price:

Following are the responses of the Pacific Grove Police Department to the recommendations made in the 1996 Grand Jury Final Report with reference to Domestic Violence:

### **RECOMMENDATIONS:**

1. Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701 (c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.

**Response:** The Pacific Grove Police Department continuously updates the material in our Domestic Violence Packets, which are available on a clearly marked counter just inside the front door to our department. No contact with our personnel is necessary to obtain this information.

2. All law enforcement agencies, judges, and probation officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.

**Response:** The Pacific Grove Police Department has obtained the "Lethality List" from Monterey County Probation Department, and will begin utilizing the list to aid in evaluating the threat to victims of domestic violence.

3. The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. This money could come from the Monterey County Board of Supervisors or grants.

**Response:** The Pacific Grove Police Department will support any reasonable proposal the Probation Department may make in their effort to obtain the mentioned electronic devices.

4. The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.

**Response:** The Pacific Grove Police Department has selected Lt. Carl Miller as our expert in training for Domestic Violence issues. Beyond that we train all our officers to deal proficiently with D.V. cases. All officers receive mandated training, as well as ongoing in-service training. Presently this training is available locally through the Y.W.C.A., Monterey County Rape Crisis, the Women's Crisis Shelter, the District Attorney's Office, and the Monterey County Probation Department. The City is reimbursed for training that is certified by the Commission on Peace Officer Standards and Training, and local area training costs are negligible.

5. All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.

**Response:** The Pacific Grove Police Department is accomplishing this familiarization through ongoing in-service training, as mentioned in response #4.

6. Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.

**Response:** The Pacific Grove Police Department agrees we must all do our part, in a coordinated and effective manner, if we are to impact this serious societal issue. We feel that working through the Domestic Violence Council, all the above mentioned Monterey County entities have become more organized, and are prepared to enter the D.V. cycle at an earlier point. We are prepared to offer protection and assistance to victims, batterers groups have been established to work with the offenders, medical professionals are ready to deal with physical and emotional issues resulting from D.V., and the Court is ready to deal more strictly with repeat offenders.

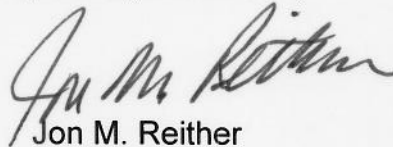
But can any public agency really 'stop the cycle of violence'? Not, in our short-term view, unless they can remove the causation. Some of the causes of D.V. are:

- Alcohol and/or drug abuse
- Unemployment or over-employment at multiple low paying jobs
- Frustration, anger and ignorance
- Intergenerational family issues

With all of our County governmental agencies working together as a team, along with local citizen's groups, taking a COPPS approach to the problem, we can minimize the devastation caused by D.V.

This completes my response to your recommendations, and I would like to thank the 1996 Civil Grand Jury for giving us all the positive motivation to work harder and faster on seeking resolutions to this serious issue.

Respectfully submitted,



Jon M. Reither  
Chief of Police

cc: City Manager  
Mayor & City Council  
staff







## City of Salinas

POLICE DEPARTMENT • 222 Lincoln Avenue • Salinas, California 93901 • (408) 758-7236

---

June 18, 1997

  
D. Roger Loper, Foreman  
1997 Monterey County Civil Grand Jury  
P.O. Box 1819  
Salinas, CA 93902

Dear Mr. Loper:

This letter serves as a response to the 1996 Civil Grand Jury recommendations.

**Recommendation #1.** The Salinas Police Department has had written policies for officer response to domestic violence incidents dating back to the early 1980's. These policies have been modified and updated as legislation has changed. We are in compliance with 13701(c) of the Penal Code. We display information available to the public in our front lobby. The information is printed in English and Spanish.

**Recommendation #2.** We have provided training to officers in use of a lethality list and encourage them to evaluate each case of domestic violence for the potential of further violence. Deputy District Attorney Denine Guy provided training to our officers in April, 1997, specifically focusing on domestic violence investigations. A lethality checklist was discussed and provided to officers to use in their investigations.

**Recommendation # 3.** The Salinas Police Department supports the use of electronic devices for domestic violence violators. We have not been involved in the procurement of those devices by the Monterey County Probation Department.

**Recommendation #4.** The letter from the Monterey County Chief Law Enforcement Officer's Association, dated February 21, 1997, responded to this recommendation. The Salinas Police Department has designated a staff person to act as liaison with other agencies for domestic violence issues. This person has received advanced training in the field of domestic violence policy, response and investigation. We have been dedicated to providing continual and current training to all our personnel in the area of investigation of domestic violence incidents. Since the first of this year alone we have provided two hours of domestic violence training to all personnel through our mandated advanced officer training. Two experienced investigators provided P.O.S.T. mandated training, along with information specific to our county, and the most current legislation. Additionally, the District Attorney's Office has provided training to our officers in case investigation and presentation. We have



June 18, 1997

disseminated in-house training memos and bulletins as well. Our Domestic Violence Response Policy is currently being re-written and updated.

**Recommendation #5.** Our officers regularly seek Emergency Protective Orders. We continue to utilize the orders as victims request, or the situation warrants. Officers utilize the lethality list to assist them in deciding when an EPO may be warranted.

**Recommendation #6.** The Salinas Police Department has devoted a significant portion of time training officers in domestic violence investigation and enforcement of laws relating thereto. We will continue to consider this a matter of prime importance. We investigate these cases, at every level, to the fullest extent of the law. We will continue to work with the District Attorney's Office, Probation, Allied Agencies and non-profit groups, such as the Woman's Crisis Center, to mitigate the effect domestic violence has on everyone in our community.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dan Nelson', with a large, stylized loop at the end.

Dan Nelson  
Chief Of Police

Attachments:

Monterey County Chief Law Enforcement Officer's Association letter, February 21, 1997

Grand Jury Follow Up to Mid-Year Report, page 81

# MONTEREY COUNTY CHIEF LAW ENFORCEMENT OFFICER'S ASSOCIATION

POST OFFICE BOX 2558 • CARMEL, CALIFORNIA 93921

February 21, 1997

MONTEREY COUNTY  
District Attorney

MONTEREY COUNTY  
Sheriff

CARMEL BY THE SEA  
Police Chief

DEL REY OAKS  
Police Chief

GONZALES  
Police Chief

GREENFIELD  
Police Chief

KING CITY  
Police Chief

MARINA  
Police Chief

MONTEREY  
Police Chief

PACIFIC GROVE  
Police Chief

SALINAS  
Police Chief

SAND CITY  
Police Chief

SEASIDE  
Police Chief

SOLEDAD  
Police Chief

MONTEREY CHP  
Area Commander

KING CITY CHP  
Area Commander

Mr. Charles Page, Foreman  
1996 Monterey County Civil Grand Jury  
P. O. Box 1819  
Salinas, CA 93902

Dear Mr. Page:

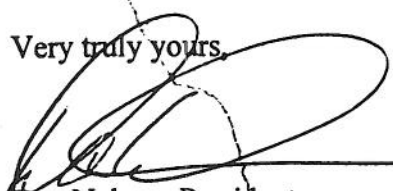
The Monterey County Chief Law Enforcement Officer's Association (M.C.C.L.E.O.A.) has carefully reviewed the findings published by the Monterey County Civil Grand Jury's 1996 Follow-up to Mid-Year Final Report on Domestic Violence.

Recommendation number three was directed toward our organization asking that we seek funding to train at least one officer of each department as an expert in domestic violence. After a full discussion by our group, it was the unanimous opinion that there is excellent training available through the California Commission on Peace Officer Standards and Training (P.O.S.T.) in this field and that all of the member agencies use that training as often as possible. Additionally, it was decided that our organization would explore a joint agency training workshop for field level personnel on this vital topic.

The Monterey County Chief Law Enforcement Officer's Association still strongly believes that the Domestic Violence Coordinating Council will serve as the best oversight committee for domestic violence issues rather than adding a separate "council" composed of officers from each local law enforcement agency. A second "council" would be redundant and would impose a staffing hardship on smaller agencies.

The Monterey County Chief Law Enforcement Officer's Association congratulates the Monterey County Civil Grand Jury for their tireless efforts in this vital area of our society.

Very truly yours,

  
Dan Nelson, President  
M.C.C.L.E.O.A.

DN:gc

cc: Salinas City Manager Dave Mora  
MCCLEOA Members

pattern creates severe problems for the victim and any children in the relationship. It also severely strains public resources, such as law enforcement, Courts, and Social Services.

#### RECOMMENDATIONS:

The 1996 Civil Grand Jury recommends that:

1. Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701(c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.
2. All law enforcement agencies, Judges, and Probation Officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine setting bail amount. Probation can use it to determine if probation is being violated.
3. The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. This money could come from the Monterey County Board of Supervisors or grants.
4. The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.
5. All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.
6. Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to preventive and educational services. This could reduce the financial burden on law enforcement agencies, Courts, medical services, and Child Protective Services and more importantly, it could save lives.

#### RESPONSES REQUIRED:

Monterey County Board of Supervisors

Sheriff's Department

All Monterey County Police Departments:

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Alan D. Styles, Mayor  
City of Salinas  
200 Lincoln Avenue  
Salinas, CA 93901

RECEIVED  
JUN 17 1997  
Time  
MAYOR

Dear Mayor Styles:

The 1996 Grand Jury submitted its final report on January 29, 1997, and it included five Projects which affected the City of Salinas directly. We have received and acknowledged the required responses on the Salinas Union High School District and the City of Salinas Procedure for Making Appointments to Boards and Commissions. But we have not received any responses to the other three items. Whether this has been overlooked by your staff, or whether the responses have gone astray on your end or our end, we don't know. But, since they were due in our office on or before April 29, 1997, it has now become a matter of some urgency.

The three missing responses are outlined in the 1996 Grand Jury Final Report, as follows:

- Project 3 Monterey Bay Unified Air Pollution Control District. Salinas was asked to respond to Recommendation 3, page 24.
- Project 7 Housing for Low-Income Residents of Monterey County. Salinas was asked to respond to Recommendations 1a through 1h, pages 45 and 46.
- Project 12 Domestic Violence in Monterey County. Salinas was asked to respond to all six recommendations, page 81.

May we have your responses to these recommendations as soon as reasonably possible.

Yours truly,

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury



## City of Salinas

OFFICE OF THE MAYOR • 200 Lincoln Avenue • Salinas, California 93901 • (408) 758-7201

---

June 19, 1997

D. Roger Loper, Forman  
1997 Monterey County Grand Jury  
P.O. Box 1819  
Salinas, CA 93902

### **RE: Housing for Low-Income Residents**

Dear Mr. Loper:

The City of Salinas deeply appreciates the Grand Jury's concern regarding the "problem" of providing housing for the County's low income residents. Unlike Mark Twain's observation regarding the weather, "Everyone talks about the weather but one does anything about it", the Salinas City Council is committed to address this issue, has identified the provision of affordable housing as one of its top priorities, has established a City Council Affordable Housing Subcommittee and has committed significant resources to address the affordable housing needs of our low income residents. Attached, you will find a report outlining the City's affordable housing initiatives undertaken during the past five year period.

Contrary to the Grand Jury's finding that there is no coordinated effort to address the affordable low income housing problem, the five cities in the Salinas Valley: Salinas, Gonzales, Soledad, Greenfield and King City along with the County of Monterey have come together to address this issue.

These five cities formed a City Centered Growth Task Force in October, 1994. Together, Salinas Valley mayors and a subcommittee of the Board of Supervisors met to foster an understanding of common concerns and to formulate shared principles for growth in the Salinas Valley. The focus of these South County workshops was affordable housing and agricultural preservation which laid a foundation for the City Centered Growth Principles. The essence of the growth policies are as follows:

- that the Salinas Valley cities work cooperatively with the County of Monterey to accommodate inevitable growth as logical well planned expansions of existing municipalities where services are in place to support the growth, and the County will allow the use of agricultural lands adjacent to city boundaries and spheres of influence for logical, well planned and fiscally sound development.
- that in order to strengthen the economic base and service delivery capabilities it is in the best interest of the cities and county to direct commercial and industrial development to the cities;

- that cities would accept a portion of the County's regional fair share of affordable housing by encouraging redevelopment and rehabilitation of blighted areas, or through new construction within cities...with the County's financial assistance; and,
- the existing property tax transfer process would be amended to provide adequate revenues to cities for the provisions of services within areas annexed into cities.

The City Centered Growth Principles were accepted by the Monterey County Board of Supervisors on June 11, 1996. City Centered Growth addresses the most critical aspect of providing affordable housing - adequate land resources which can be appropriately served with urban services.

As long as we have a citizenry that choose to live in cities which have been incorporated to address the needs of its residents regional solutions to problems encountered by cities, especially with regard to housing, are not likely. While it is critical that there be an understanding of the important issues which effect the region, it is highly impractical to think that regional solutions, other than fundamental land use and growth management policies such as City Centered Growth will be able to be implemented.

There is no argument that the high cost of land in our region is the biggest impediment to affordable housing. This, unfortunately is one of the costs of preserving our precious agricultural resources and living in one of the world's most desirable areas.

The City of Salinas, through its General Plan and its Zoning Ordinance, which implements the General Plans' land use and development policies, designates minimum densities appropriate for areas designated for Medium and High Density Residential use. The General Plan's maximum densities are based on a number of factors, most notably, the City's ability to meet the needs of its residents, the service capacity of existing and planned infrastructure and the levels of service which the community has determined to be acceptable.

Contrary to the Grand Jury's finding that well managed rental units offer the only practical means of dealing with the issue of affordable housing, it is the City of Salinas' finding that there is no one solution to address this issue. The provision of affordable rental units is but one of the solutions. Just as we have found in addressing the issue of youth violence, there is no one solution - the issue must be confronted holistically, with a concentrated, multifaceted approach addressing the myriad of societal issues which shape our young peoples lives. Similarly, there is no one solution that will be the "magic pill" to cure our affordable housing condition. Clearly, we need more affordable rental units, however, a healthy community is one which empowers and encourages its residents to be a part of and to make an investment in the community. Providing enhanced opportunities for homeownership is an important tool to address many of the socio-economic difficulties which are prevalent in neighborhoods in which concentrations of "affordable" rental units are prevalent. I am attaching the City's Alisal Homeownership & Neighborhood Revitalization Strategy which focuses



a number of community-based initiatives, including enhanced opportunities for homeownership to improve the quality of life for our citizens living in the Alisal community.

The Grand Jury indicated that in-lieu fees, opposed to inclusionary units or site contributions are much more practical and effective tools for providing affordable low income housing. This matter was thoroughly considered prior to the City Council's adoption of our Inclusionary Housing Ordinance. While we agree that the development community finds an in-lieu option to be an attractive alternative to the development of affordable units on a project by project basis, we found that the development community was unwilling to support a fee structure that was sufficient to actually construct housing units. This matter was also studied by the Housing Task force, prior to and after the adoption of the City's General Plan and by the Housing Trust Fund Advisory Board, which has been disbanded, largely because of the lack of community support necessary to impose fees for the development of affordable housing.

The primary source of funds for affordable housing come from the City's allocation of federal Community Development Block Grant(CDBG), HOME Investment Partnership(HOME), Emergency Shelter Grant (ESG) and Housing Set-aside funds which are generated by property tax increment in the City's Redevelopment Areas. This funding is specifically intended to be used to address community needs and is therefore, inappropriate to be considered for use outside of the city limits. It is, however, noted that the City makes every effort to ensure that this limited funding is used for the greatest public benefit, in other words that we get "the most bang for our buck!" To do so, these funds are leveraged to the highest degree possible. The City is not a developer, as such we seek opportunities to enter into partnerships with developers, such as the Housing Authority of Monterey County, who are skilled in not only the construction of affordable housing but skilled in the intricacies of affordable housing finance. The vast majority of affordable housing projects being developed today are only able to be developed by bringing together number of funding sources such as capital raised through the sale of federal low income housing tax credits (LIHTC), foundation loans and grants, loan programs offered by lending institutions seeking to meet their responsibilities under the Community Reinvestment Act, CDBG funds, Home funds, Redevelopment Funds, equity participation by the property owner, etc. It is noted that each of these potential funding sources come with a myriad of regulatory restrictions and conditional limitations. It is not uncommon to find four or more funding sources incorporated into an affordable housing development pro-forma.

In response the 1996 Civil Grand Jury's recommendations, the City of Salinas has identified its unmet and under-met needs for housing our low income residents. These needs are discussed in the attached report titled *Farmworker & Affordable Housing Initiatives*. These needs were determined after extensive public hearings and public needs assessments conducted for the City's General Plan, Redevelopment Implementation Plan and Consolidated Plan. These plans also identify resources available to address these needs. The City's General Plan identifies properties which are appropriate for high, medium and low density residential development without regard to affordability.

D. Roger Loper, Forman  
Page 4  
June 19, 1997

As previously mentioned, the funding which the City has available to address affordable housing needs is limited for use within the City limits and much of which is intended for use within specific portions of the City, such as redevelopment project areas. As such, any rhetorical discussion relative to staffing, facilities and functions which may be eliminated if a new governmental entity was created would be counter-productive. It is noted that the City of Salinas would be happy to participate in any dialogue which may lead to increased opportunities to develop appropriately located affordable housing.

I trust these comments respond to your needs, should you have any additional questions or desire additional follow-up, please contact Robert Richelieu, Planning Manager, in the Community Development Department at 758-7206.

Respectfully submitted,



ALAN D. STYLES

Mayor

ADS:RR

Enclosures (2)

Cc: City Council (w/o encl.)  
City Manager (w/o encl.)  
Rr:wpdocs\mayor\grndjury.ltr





## City of Salinas

OFFICE OF THE MAYOR • 200 Lincoln Avenue • Salinas, California 93901 • (408) 758-7201

---

June 24, 1997

D. Roger Loper, Foreman  
Monterey County Grand Jury  
P.O. Box 1819  
Salinas, CA 93902

Dear Mr. Loper:

I have been advised by the City Manager that staff has submitted two responses to your letter of June 16, 1997 regarding various issues identified for follow-up in the 1996 Grand Jury Report.

Assistant City Manager Jorge Rifa (MBUAPCD issue) and Police Chief Dan Nelson (Domestic Violence issues) submitted the responses. The attached separate letter responds to the issue of housing for low-income residents.

Should you have any questions concerning the materials, please contact me.

Sincerely,

ALAN D. STYLES  
Mayor

ADS:LLM

Enclosure

cc: Salinas City Council

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Alan D. Styles, Mayor  
City of Salinas  
200 Lincoln Avenue  
Salinas, CA 93901

Dear Mayor Styles:

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May we have your responses to these recommendations as soon as reasonably possible.

Yours truly,

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

DRAFT  
5-20-97

Grand Jury Stationery

To: Gerry Gerbrandt, Administration  
Bob LeFevre, Cities  
Mel Spehn, Health and Welfare  
For consideration by the  
Interested Committees

Alan D. Styles, Mayor  
City of Salinas  
200 Lincoln Avenue  
Salinas, California 93901

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Yours truly,

D. Roger Loper, Foreman

drl/5-20-97  
SalinasResp

DRAFT  
5-20-97

Grand Jury Stationery

To: Gerry Gerbrandt, Administration  
Bob LeFevre, Cities  
Mel Spehn, Health and Welfare  
For consideration by the  
Interested Committees

Alan D. Styles, Mayor  
City of Salinas  
200 Lincoln Avenue  
Salinas, California 93901

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May we have your responses to these recommendations as soon as reasonably possible?

Yours truly,

D. Roger Loper, Foreman



## City of Salinas

OFFICE OF THE CITY CLERK • 200 Lincoln Avenue • Salinas, California 93901 • (408) 758-7381

March 5, 1997

The Honorable Jonathan Price  
Presiding Judge  
Monterey County Superior Court  
240 Church Street  
Salinas, CA 93901

SUBJECT: 1996 CIVIL GRAND JURY REPORT - CITY OF SALINAS BOARDS  
AND COMMISSIONS

In accordance with Penal Code Section 933, this letter is in response to the 1996 Grand Jury Report on the City of Salinas' Boards and Commissions.

### GRAND JURY FINDINGS AND CITY COUNCIL RESPONSES:

1. **"A section of the City Code ties the term of members of some City Commissions to the term of the appointing Mayor or Council members. This has resulted in vacancies on Commissions for prolonged periods. These vacancies have contributed to the lack of quorums, thus causing scheduled meetings to be cancelled."**

2. We disagree that the lack of a quorum resulted from the policy regarding Commissioners' terms. In fact, Commissioners' terms are not tied to Councilmembers' terms. City Code Chapter 2 (applicable sections attached) was amended in 1991 to provide for the Commissioner's term to continue until a successor is appointed. This amendment was specifically made to address the concern regarding vacancies following a change in Councilmembers.

When vacancies do occur, it is incumbent upon the Councilmember to ensure appointments are made promptly following notice of vacancy and receipt of applications.

2. **"The lack of uniform attendance standards for all city Boards and Commissions has contributed to the poor attendance."**

3. We disagree that a uniform attendance standard is appropriate, as the frequency of the Boards' and Commissions' meetings vary from an as-needed basis to semi-monthly. Attendance reports are provided to Councilmembers, and Commissioners and Board members may be removed at the discretion of the appointing Councilmember or by affirmative vote of the entire City Council. However, as outlined in the response to recommendations, Commissions and Boards will be directed to include appropriate attendance requirements in their by-laws, and they may

recommend the removal of members who exceed the allowable absences.

**3. "There is no formal orientation program for newly appointed members of Boards and Commissions."**

We disagree with this finding. Appointees receive an orientation from the Executive Secretary (generally the Department Director) to the Board or Commission. Additionally, appointees receive pocket guides of conflict of interest and the Brown Act requirements. However, we agree that an expansion of the orientation is appropriate as reflected below in our response to the Grand Jury's recommendations.

**4. "The City policy statement for appointments to Boards and Commissions provides for a well diversified makeup of the community."**

We agree with this finding.

**GRAND JURY RECOMMENDATIONS AND CITY COUNCIL RESPONSES:**

**1. The Mayor and City Council of Salinas establish a policy for appointments to Boards and Commissions that incorporates the following:**

**a. Advanced posting/publishing notices of vacancies and their specific requirements.**

The City currently posts and publishes notices of openings and the requirements, in keeping with the Maddy Act and the "City's Policy Statement for Appointments to Boards" (copy attached.) Additionally, the City mails notices to a diverse group of 38 organizations within the community.

**b. Posting availability and location of applications.**

Notices clearly state that applications are available in the City Clerk's Office.

**c. Establishing a screening committee and defining its duties.**

There has been a long-standing policy providing for a standing screening committee comprised of three City Councilmembers that are appointed by the Mayor.

**d. Establishing a system for making recommendations for appointments.**

The policies for making appointments to Commissions and Boards are clearly stated in both the City Code and "Policy Statements for Appointments to Boards." Generally, the Mayor and Councilmembers individually make an appointment to each Commission. At-large Affirmative Action Commissioners are nominated by the Commission for recommendation to the City Council. A committee of Councilmembers recommends appointment of Board members to the City Council as a whole.

**2. "The Mayor and City Council of Salinas develop an orientation program for all new appointees."**

Appointees currently receive an orientation from the Executive Secretary to the Commission, which is generally the department director, in addition to receiving copies of the Brown Act and Conflict of Interest pocket guide. The City will look to expanding the orientation program by scheduling periodic, general training sessions.

**3. "The Mayor and City Council of Salinas develop a training program for Board and Commission members and encourage members to attend conferences, workshops, and to utilize other opportunities for personal and professional training. All Board and Commission members should be briefed on the City's policy for training and travel reimbursement."**

Requests for budgeting for Commissioner training may be submitted by the Commission and Committees would be considered as part of the budgeting process. Additionally, information specific to the responsibilities and issues coming before these bodies is provided by way of the orientation and written material such as governing policies and staff reports.

**4. "The City adopt standard procedures for attendance and specified grounds for removal for lack of attendance."**

Commissions and Boards will be directed to include appropriate attendance requirements in their bylaws, and may recommend removal of members who exceed allowable absences to the appointing Councilmember or the City Council.

**5. "Require that Boards and Commissions submit to the City attendance records for all members."**

The City Council currently receives attendance information on Commissions and Boards that meet regularly.

**6. "The City consider a specific term of office for all members of Board and Commissions."**

In order to avoid any lapse in representation, the City Code provides for Commissioners to serve until successors are appointed. Councilmembers may appoint successor Commissioners at any time. The "Policy Statement for Appointments to Boards" includes the terms for the various Boards.

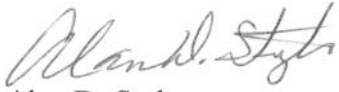
**7. The City appropriately acknowledge the service of appointees on completion of the term or on resignation for good cause.**

Terminating Commissioners are invited to City Council meetings in order to be recognized for their service. Additionally, funds have been budgeted this fiscal year for a recognition dinner which is expected to take place in May, 1997.

In conclusion, while the recommendations, to various extent, are already established City policies, we perceive this as an opportunity to improve procedures for the benefit of the

Commission/Board advisory process. Specifically, the City will examine its orientation and recognition practices for improvement. Additionally, all Commissions and Boards will be directed to adopt and enforce appropriate attendance policies in order to reduce the possibility of the lack of a quorum.

Approved by the Salinas City Council on March 4, 1997:

A handwritten signature in cursive script, appearing to read "Alan D. Styles".

Alan D. Styles  
Mayor

attachments







April 9, 1997

4/17/97

Hon. Jonathan Price, Presiding Judge  
Superior Court of Monterey County  
240 Church Street  
Salinas, CA 93901

Dear Judge Price,

As requested, the City of Sand City is submitting our responses to the 1996 Monterey County Civil Grand Jury Final Report on the following 3 subject areas:

- Monterey Bay Unified Air Pollution Control District
- Housing for Low-Income Residents in Monterey County
- Domestic Violence Follow-up Report

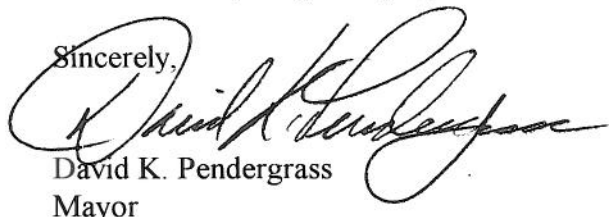
As indicated in the attached March 26, 1997 memo to the City Council from the City Administrator, the enclosed responses were reviewed by the Sand City Council at their meeting on April 1, 1997. These responses were approved by the full City Council of Sand City with direction that they be forwarded as Sand City's official response to the 1996 Grand Jury Final Report.

As part of the preparation of our response, I requested an agenda item at the Monterey County Mayors' Select Committee meeting on April 4, 1997 to discuss the Grand Jury Report's recommendations #1 and #2 on the Air Pollution Control District (APCD). It was explained at the Mayors' meeting that the APCD Board has taken action to respond to those two recommendations.

In addition, it was decided at the April 4th Mayors' meeting, that the cities in Monterey County should have a united response to recommendation #3 on the APCD. A summit meeting of the cities will be scheduled in the near future, and the APCD Executive Officer, Douglas Quetin, will be requested to make a special presentation to all the cities at once to discuss air quality issues and the regulatory activities of the APCD. You should be receiving more information on this joint meeting from Mayor Dan Albert, Chairman of the Mayors' Select Committee.

The enclosed Sand City responses are hereby submitted for the Grand Jury's consideration. If there are any questions or comments, please call me or the City Administrator, Kelly Morgan, at 394-3054.

Sincerely,



David K. Pendergrass  
Mayor

Enc: Sand City Responses to 1996 Grand Jury Final Report

cc: City Council

City Hall  
1 Sylvan Park,  
Sand City, CA  
93955

Administration  
(408) 394-3054

Planning  
(408) 394-6700

FAX  
(408) 394-2472

Police  
(408) 394-1451

FAX  
(408) 394-1038

Incorporated  
May 31, 1960

## MEMORANDUM

---

**TO:** City Council

**FROM:** City Administrator

**DATE:** March 26, 1997

**SUBJECT:** Sand City Response to the 1996 Monterey County Civil Grand Jury Final Report -- **AGENDA ITEM 5-1**

---

You have previously received excerpts of the 1996 Monterey County Grand Jury Final Report that require specific responses from Sand City (please refer to the attached Distribution Memo, dated March 10, 1997). In preparation of Sand City's formal response, we have compiled the following information to forward to the presiding Judge Jonathan Price after the City Council's endorsement of these responses:

*1. Monterey Bay Unified Air Pollution Control District*

For recommendations #1 and 2, Mayor Pendergrass sent the attached March 21, 1997 letter to Dan Albert, Chairman of the Monterey County Mayors' Select Committee requesting an agenda item at the April 1997 Mayors' Committee meeting to discuss the cities response regarding management-priority issues of the Air Pollution Control District (APCD).

Also the APCD has scheduled an agenda item on the District's response to the Grand Jury Report at their meeting of March 26, 1997 (please refer to the enclosed March 26, 1997 memo from Douglas Quetin to the MBUAPCD Board of Directors).

For Recommendation #3, I telephoned Douglas Quentin, the Air Pollution Control Officer, on March 25, 1997 to discuss arrangements for a presentation by APCD staff. Mr. Quentin agreed to make a special presentation to the Sand City Council on May 6, 1997 covering the priorities and activities of the APCD with particular emphasis on how the activities within Sand City affect the air quality of the region and how the APCD's regulatory activities impact Sand City.

*2. Housing for Low-Income Residents in Monterey County*

The Community Development Director has prepared the enclosed March 10, 1997 memo outlining Sand City's response to this issue.

*3. Domestic Violence Follow-up Report*

Chief Klein has prepared the attached March 5, 1997 memorandum as the City's response to this section of the 1996 Grand Jury Report.

It is recommended that the City Council approve these responses so that they can be forwarded as Sand City's official response to the 1996 Final Grand Jury Report.



March 21, 1997

Dqn Albert, Chairman  
Monterey County Mayors' Select Committee  
Monterey City Hall  
Pacific and Madison  
Monterey, CA 93940

Dear Mayor Albert:

I would like to request an agenda item for the April 1997 Mayors' Committee meeting to discuss the cities response to the 1996 Final Grand Jury Report regarding the Monterey Bay Unified Air Pollution Control District. This report contained findings and recommendations that require responses from all the cities on or before April 29, 1997. An excerpt of the Grand Jury Report is enclosed that covers the review of the Monterey Bay Unified Air Pollution Control District.

The 1996 Final Grand Jury Report contained the following recommendations on the Air Pollution Control District:

1. Review the job description for the Chief Executive Officer (Air Pollution Control Officer), the job qualifications, and the requirements of the position, to determine whether the qualifications should include education, training and experience in management and demonstrated management skills.
2. Direct the Air Pollution Control Officer to conduct a needs an a capability assessment of the District based on reasonable revenue expectations and its ability to provide staffing to meet the identified needs within the District. Based on this review and analysis, the Air Pollution Control Officer should be directed to propose a set of priorities which can be reasonable achieved within the District's revenue and resources. These proposed priorities should be reviewed, revised as needed and adopted and used as a guide for staff in carrying out the mission of the District.
3. Request that each City Council in the District and the Boards of Supervisors schedule a special session, at least annually, for a briefing by the District staff covering the priorities and the activities, of the District with particular emphasis on how the activities within each

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1 Sylvan Park,  
Sand City, CA  
93955

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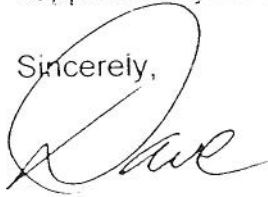
Incorporated  
May 31, 1960

jurisdiction affect the air quality of the region and how the regulatory activities of the District impact the businesses within the jurisdiction. The briefing should be well publicized so that local businesses and the public can participate.

The cities are required to respond only to recommendation #3 above which can be accomplished by each city scheduling a special session for a briefing by the Air District. However, I think it would be helpful for us to schedule a discussion on recommendations #1 and #2 to review these issues with the Cities representatives to the Air District Board of Directors. It would be appropriate to review the status or progress made on these issues. We may want to provide some feedback, comments, or recommendations to our representatives to the Air District Board. Plus we may want to develop a group consensus on a City response to the Grand Jury Report.

I appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave", written over the word "Sincerely,".

David K. Pendergrass  
Mayor

Enc: Excerpt from 1996 Final Grand  
Jury Report

I N T E R  
O F F I C E

# MEMO

**To:** City Council and Department Heads  
**From:** City Administrator *KM*  
**Subject:** Responses Required by 1996 Monterey County  
Civil Grand Jury Final Report  
**Date:** March 10, 1997

The 1996 Final Grand Jury Report was submitted to the presiding Superior Court Judge on January 29, 1997. This report contained findings and recommendations concerning Sand City which require a formal written response from the City.

It should be pointed out that there are no critical findings on Sand City in particular. However, we are directed to respond to certain county wide general issues. As shown on the attached "Table of Contents", there are 3 subject areas that require responses from all the Cities, including Sand City, on or before April 29, 1997:

- Monterey Bay Unified Air Pollution Control District
- Housing for Low-Income Residents in Monterey County
- Domestic Violence Follow-Up Report

The Grand Jury letter is directed to the Mayor and City Council. However, the staff can assist in preparing the City's responses. Assistance is requested to develop the City's response for the following areas:

- Monterey Bay Unified Air Pollution Control District -

The Mayor and City Administrator will make arrangements and schedule an agenda item on Recommendation #3 - to receive an annual briefing by the Air District staff covering the priorities and activities of the District.

In addition, the Mayor will review recommendations #1 & 2 with the Mayors' Committee to provide direction to the Cities representatives on the Air District Board for responding to these two recommendations.

- Housing for Low Income Residents -

City Council and Department Heads

Page 2

March 10, 1997

draft response to the low income housing recommendations (please refer to the attached FORA response)

- Domestic Violence Follow-up-

The Police Chief was requested to prepare the City's follow up response to these recommendations by the Grand Jury. Please refer to the attached March 5, 1997 draft response by Chief Klein.

I am requesting that the City's responses be coordinated and finalized through my office by no later than March 28, 1997. If any of the Council Members or other Department Heads wish to directly participate in or contribute to the development of these responses, then please contact the responsible party for each issue listed above. A full copy of the 1996 Civil Grand Jury Report is available at the City Clerk's office.

The City's draft responses will be circulated for City Council review prior to being finalized and sent to presiding Judge Jonathan Price.

Enc:


- January 3, 1997 Grand Jury Letter to Mayor Pendergrass
- Table of Contents from 1996 Report
- Excerpts of 1996 Grand Jury Report on
  - Air Pollution Control District
  - Housing for Low-Income Residents
  - Domestic Violence



## SAND CITY STAFF MEMORANDUM

DATE: March 10, 1997

TO: Mayor and City Council

FROM: Community Development Director 

SUBJECT: Response to 1996 Grand Jury Report Re: Recommendations Regarding Low-Income Housing in Monterey County

---

The 1996 Final Grand Jury Report was submitted to the presiding judge on January 29, 1997. Sand City needs to respond to some of its recommendations no later than April 29, 1997. In particular, the Grand Jury Report recommends that each Monterey County jurisdiction identify unmet housing needs for low income residents and prepare plans to insure that these needs are addressed (see attached Grand Jury recommendation).

In Sand City's case, these needs were identified and addressed as part of the 1991 Housing Element which was certified by the state Department of Housing and Community Development (HCD) as satisfying the requirements of state housing law. Since 1991, Sand City has been pursuing housing construction, however, it has been met with requirements of the U.S. Fish and Wildlife service to preserve sensitive environmental habitat and by a water moratorium. More recently, infrastructure problems have slowed progress on housing solutions within the City.

The City and the Sand City Redevelopment Agency continue to pursue programs established in its housing element by:

- (1) Addressing inadequate infrastructure by reserving funds to assist developers in providing adequate water and sewer improvements needed for new housing;
- (2) Working with USFWS to preserve habitat while allowing residential development in environmentally-sensitive areas;
- (3) Encouraging mixed-use housing/commercial development within the old town areas of the City;
- (4) Acquiring a 2.65 acre site in the old town area for a future redevelopment project of mixed use to include low to moderate income housing; and
- (5) Working with the Monterey Peninsula Water Management District to attempt to supply more needed water to all Peninsula jurisdictions so that housing production can proceed, as planned.



The City's housing element of the general plan is approved through July, 2000. A further update of the Housing Element will be required at that time to insure continuing progress in the City's affordable housing efforts.

#### RECOMMENDATION

It is recommended that, by consensus, the Council accept and file this report, and transmit same to the Honorable Jonathan R. Price, Presiding Judge, as required.

Attachment:

# Grand Jury

---

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. David K. Pendergrass, Mayor  
Sand City, City Hall  
1 Sylvan Park  
Sand City, CA 93955

Dear Mayor Pendergrass:

Thank you for your letter of April 9, 1997, with your responses to the 1996 Monterey County Grand Jury Final Report. As you probably know, the California Legislature passed a bill which revised many of the provisions affecting Grand Juries. This bill was signed into law on September 30, 1996, and its provisions are included in the 1997 edition of the California Penal Code. Among other things, the revised law defines in greater detail the nature and content of responses to Grand Jury reports.

The 1997 Monterey County Grand Jury is categorizing the responses to the 1996 Final Report in conformance with the revised Penal Code. Your responses have been categorized as follows:

Project 3      Monterey Bay Unified Air Pollution Control District.

Sand City was asked to respond to Recommendation 3. The response was in accordance with:

"Penal Code Section 933.05(b)(4) Recommendations will be implemented within a stated timeframe."

Project 7      Housing for Low-Income Residents of Monterey County.

Sand City was asked to respond to Recommendations 1a through 1h. The responses were in accordance with:

"Penal Code Section 933.05(b)(4) Recommendations will not be implemented for reasons stated in the response."

Project 12     Domestic Violence in Monterey County

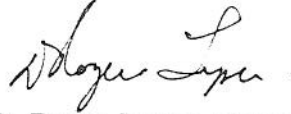
Sand City was asked to respond to Recommendations 1 through 6. The responses were in accordance with:

"Penal Code 933.05(b)(1) The recommendations have been implemented."

Mr. David K. Pendergrass, Mayor  
June 16, 1997  
Page two

If you feel we have not understood your responses, please let us know. Otherwise, this letter does not require any reply.

Yours truly,

A handwritten signature in cursive script, appearing to read "D. Roger Loper".

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

Attachment: Penal Code Section 933.05

DRAFT  
5-18-97

GRAND JURY STATIONERY

To: Gerry Gerbrandt for Administration Committee  
Bob LeFevre for Cities Committee  
Mel Spehn for Health and Welfare Committee  
Each Committee to consider that part of  
the letter which is in its area of interest

Mr. David K. Pendergrass, Mayor  
Sand City  
City Hall  
1 Sylvan Park  
Sand City CA. 93955

Dear Mayor Pendergrass:

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Sand City was asked to respond to Recommendation 3. The response was in accordance with:  
"Penal Code Section 933.05(b)(2) Recommendation will be implemented within a stated time frame."

Project 7 Housing for Low-Income Residents of Monterey County  
Sand City was asked to respond to Recommendations 1a through 1h. The responses were in accordance with:  
"Penal Code Section 933.05(b)(4) Recommendations will not be implemented for reasons stated in the response."

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If you feel we have not understood your responses, please let us know. Otherwise, this letter does not require any reply.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

drl/5-17-97  
SandCityResp

DRAFT  
5-18-97

GRAND JURY STATIONERY

To: Gerry Gerbrandt for Administration Committee  
Bob LeFevre for Cities Committee  
Mel Spehn for Health and Welfare Committee  
Each Committee to consider that part of  
the letter which is in its area of interest

Mr. David K. Pendergrass, Mayor  
Sand City  
City Hall  
1 Sylvan Park  
Sand City CA. 93955

Dear Mayor Pendergrass:

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If you feel we have not understood your responses, please let us know. Otherwise, this letter does not require any reply.

Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05

on 5-17-97  
SandCityRecd



# MEMORANDUM

*Bob Lefew  
The Seaside  
Responses Finally  
arrived! Ryan 9/12*  
City of Seaside  
Community Development

Date: September 10, 1997  
To: Tim Brown, City Manager  
From: Rich Guillen, Community Development Director *Rich*  
Subject: Monterey County Civil Grand Jury Final Report

---

I have reviewed two issues in the Grand Jury Report regarding the Monterey Bay Air Pollution Control District (MBUAPCD) and providing low income housing.

## **Monterey Bay Unified Air Pollution Control District**

In regards to the MBUAPCD, the city of Seaside recognizes the importance of improving the air quality in the Monterey Peninsula. Being an urbanized community, our goal has been to implement land use planning concepts that will reduce noxious automobile emissions. The city's general plan addresses the implementation of emission reducing measures such as implementing a congestion management plan, co-sponsoring a bicycle path construction grant, developing policies for recreation trails, and more recently developing a transit center plan for the corner of Canyon Del Rey and Del Monte Blvd. All of these projects have had public circulation, but there has been no direct communication between the MBUAPCD the city of Seaside. MBUAPCD involvement in these projects could be beneficial in determining whether the proposed planning concepts are in line with the overall air quality objectives of the MBUAPCD.

## **Housing for Low-Income Residents in Monterey County**

As the report relates to low income housing, the city's General Plan adopted in 1995 in conjunction with the City of Seaside Housing element identifies in detail the goals of providing low-income housing for our city. These goals and policies are consistent with State and National housing objectives and reflect a commitment to provide a decent home and suitable living environment for every individual and family. The policies include:

- Housing diversity;
- Maintenance of housing integrity and value;
- Improvement and maintenance of the quality of existing neighborhoods;
- Equal access to housing;
- Energy conservation; and,
- Equal opportunity regardless of race, color, religion, sex, marital status, national origin, ancestry, or age.

I have attached copies of the pertinent sections from the city's General Plan and Housing Element for your review in more detail.

## 4.1 HOUSING POLICIES

Housing goals and policies serve as general policy guidelines for Seaside. Consistent with State and National housing objectives, these goals, policies, and objectives reflect a commitment to provide a decent home and suitable living environment for every individual and family. The following policies include and expand upon those in the Issues, Goals and Policies Report. Those policies that were already in that report are noted with an \*.

### 4.1.1 HOUSING DIVERSITY

**Goal:** The City shall develop through public and private channels, sufficient new housing to insure the availability of affordable housing for all households in Seaside.

**Housing Policy 1\* - Balanced Diversity:** Recognize the need for, and encourage the development of, moderate/above moderate residential units thereby balancing and adding diversity to Seaside's housing stock.

Particular note should be made of this policy in the designation of any portion of the Fort Ord portion of Seaside for residential use.

**Housing Policy 2 - Established Neighborhoods:** Continue to promote new residential development so as to foster and maintain a variety of housing types, densities, and costs while preserving and expanding the character and quality of established neighborhoods.

**Housing Policy 3 - Infrastructure:** Through developer contributions, its Capital Improvement Program and its Community Development Block Grant Program, maintain and improve infrastructure to accommodate existing and new development.

**Housing Policy 4 - Other Agencies:** Work with other responsible agencies to provide the necessary resources and services for new residential units.

**Housing Policy 5 - Vacant Land Infill Lots:** Encourage development of sound new housing on vacant land within existing neighborhoods which have the necessary service infrastructure.



#### 4.1.2 MAINTENANCE OF HOUSING INTEGRITY AND VALUE

**Goal:** The City shall manage housing and community development in a manner which will promote the long-term integrity and value of each new housing unit and the environment in which it is located.

**Housing Policy 6 - Construction Standards:** Provide that new housing be constructed in accordance with design standards that will ensure the safety and integrity of each housing unit.

**Housing Policy 7 - Design Standards:** Encourage the application of community design standards through the Planning Commission and Board of Architectural Review.

**Housing Policy 8 - Neighborhood Quality:** Manage neighborhood environmental factors such as traffic flow, school locations, parks, and open spaces and other public uses to stabilize and upgrade neighborhoods and dwellings.

#### 4.1.3 EXISTING NEIGHBORHOODS

**Goal:** The City shall facilitate improvement and maintenance of the quality of existing neighborhoods and the housing stock.

**Housing Policy 9\* - Rehabilitation Of Existing Units:** Support and enhance the continued use of: (1) the City's existing rehabilitation loan program for the repair of existing housing units which can be rehabilitated; and (2) the City's current program for the demolition of dilapidated and abandoned units.

**Housing Policy 10\* - Neighborhood Housing Improvement Programs:** Support and enhance Seaside's current residential neighborhood housing improvement programs through: (1) the continued use of Community Development Block Grant, Capital Improvement and Economic Development Programs to improve residential neighborhood infrastructure; (2) the continued support of community educational programs which instill a sense of civic responsibility for the maintenance of private housing units; and (3) the adoption of programs encouraging owner occupancy of residential units.

**Housing Policy 11 - Neighborhood Security And Pride:** Promote neighborhood security and pride through support of neighborhood cleanup and property maintenance programs.

#### 4.1.4 EQUAL ACCESS TO HOUSING

**Goal:** The City shall promote equal access to safe and decent housing for all income groups.

4.1  
HOUSING  
POLICIES

**Housing Policy 12\* - Existing Very Low/Low Income Housing:** Maintain the current gross number of very low/low income housing units in Seaside through the continued use and enhancement of Seaside's existing housing rehabilitation, home improvement and Section 8 programs. Additionally, adopt a one-for-one replacement policy for any of these units that may be demolished by the City or the Redevelopment Agency. Any such new very low/low income units shall be dispersed throughout the community in small clusters rather than in large, low income, multi-family housing projects.

**Housing Policy 13\* - Special Needs Housing:** Support the construction or rehabilitation of housing units to accommodate the special needs of Seaside's residents with disabilities, mental illness, the physically impaired, elderly citizens, single parent families, large families, and AIDS patients. The Housing element mandates that all legal requirements be met in regard to the provision of such housing and encourages the development of special housing types in the absence of legal requirements. This can be done through the adoption of density incentives such as those granted for the provision of elderly units by California Government Code Section 65915. Additionally, it should, to that end, enhance the effectiveness of the City's existing Accessory Residential Unit Ordinance.

**Housing Policy 14\* - Emergency Housing:** Remain cognizant of the continuing need for emergency housing for homeless persons and support and enhance the City's ability to provide its fair share of the regional need through (1) continued City activity under the existing Temporary Emergency Shelters For The Homeless Ordinance; and (2) cooperation with the Housing Authority, appropriate nonprofit organizations, community groups, and other providers.

**Housing Policy 15\* - Prohibition Against Discrimination:** Reaffirm Seaside's adherence to Federal and State legal prohibitions against housing discrimination and enhance Seaside's sponsorship of mediation services for tenant/landlord disputes.

**Housing Policy 16 - Federal And State Housing Assistance Programs:** Encourage full utilization of federal and state housing assistance programs which can enable those persons with unmet housing needs to obtain decent housing at prices they can afford.

**Housing Policy 17 - Regional Responsibility:** Support regional efforts to distribute to all jurisdictions on the Monterey Peninsula the responsibility of providing housing for lower income households.

#### **4.1.5 ENERGY CONSERVATION**

**Goal:** The City shall promote energy conservation in all its residential neighborhoods.

**Housing Policy 18 - Federal And State Actions:** Advocate and support proposed federal and state actions to promote energy conservation.

**Housing Policy 19 - Public Awareness:** Promote public awareness of the need for energy conservation.

**Housing Policy 20 - City Energy Conservation Policies:** Promote development of public policies and regulations that achieve a high level of energy conservation in all new and rehabilitated housing units.

**Housing Policy 21 - Federal And State Assistance Programs:** Encourage maximum use of federal and state programs to assist homeowners in providing energy conservation measures.

#### **4.1.6 EQUAL OPPORTUNITY**

**Goal:** The City shall protect households seeking housing accommodations from discrimination because of race, color, religion, sex, marital status, national origin, ancestry, or age.

**Housing Policy 22 - Federal And State Laws:** Continue to reaffirm fair housing rights set forth in federal and state laws.

### **4.2 FIVE-YEAR ACTION PLAN**

This portion of the Housing Element states Seaside's general plans and priorities being used over the five-year period, 1991-1996. It flows from the City's overall analysis of needs, market and inventory conditions described earlier.

Seaside is unique in its housing mix. The Regional Housing Needs Plan (RHNP) indicates that Seaside has more than its fair share of very low and low

income housing as determined for the region. This fact, along with slow growth in the area, has resulted in a deficit of moderate and above moderate households. Seaside is the only incorporated city in Monterey County to have met its very low and low income housing goals. As such, Seaside has a clear mandate to focus on moderate and above moderate income housing to create a balanced city.

**1. Housing Rehabilitation Program:** This program offers deferred payment/ no interest loans from CDBG grants to very low income homeowners or 3% interest loans to low and moderate income homeowners, with a maximum ceiling of \$30,000. This program is also offered to owner-investors if they agree to lease the units with the Monterey County Housing Authority under the Section 8 Program. Based on past experience, Seaside expects to process a minimum of six loans a year for owner-occupants.

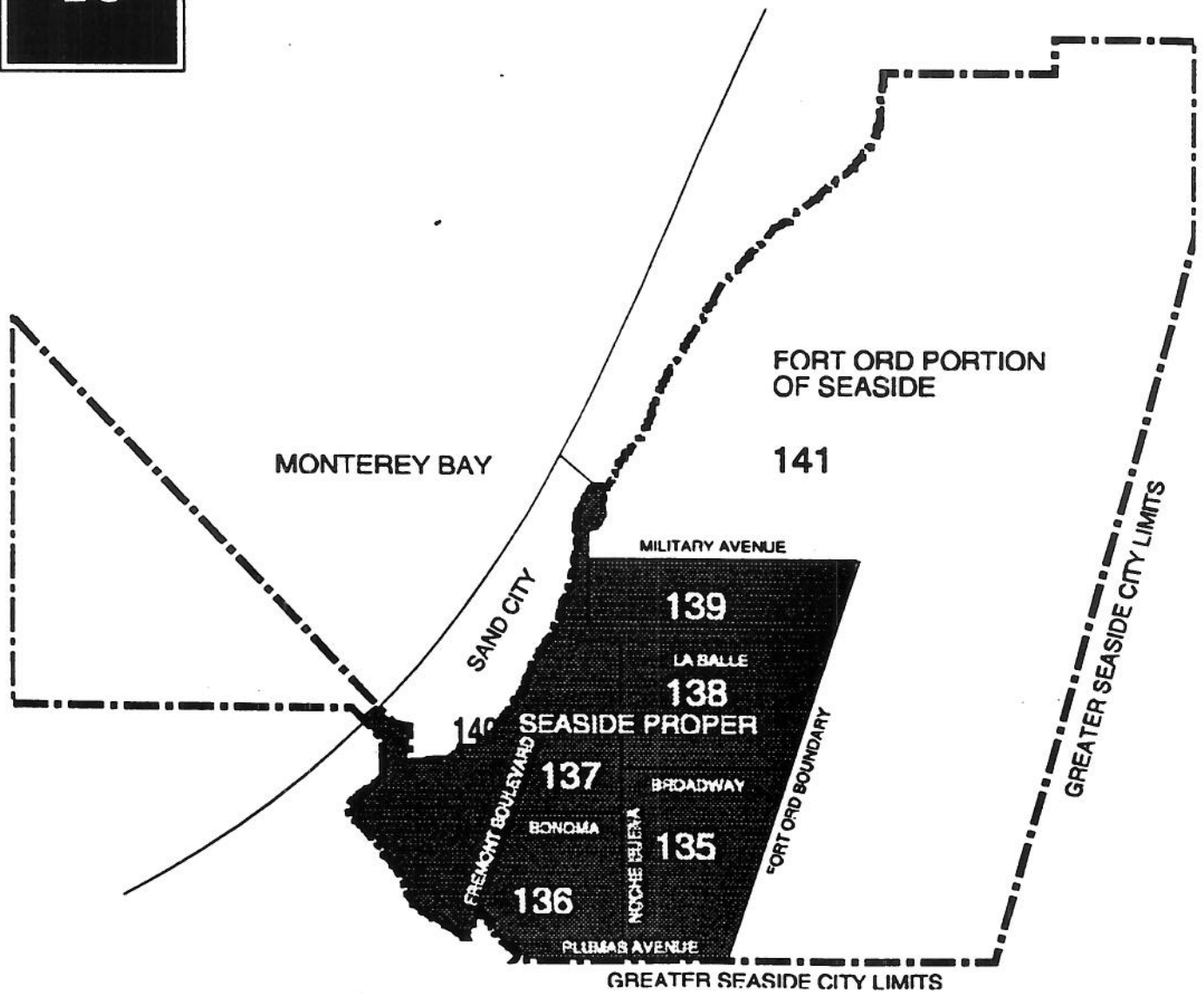
This program is targeted in Census Tracts 135, 136, 137, 138 and 140 shown on Figure 4.1 (page 12). First priority is for areas that were never included in a redevelopment plan. Second priority is those areas that were redeveloped but now need additional assistance.

**2. Down Payment Assistance to First-Time Low/Moderate Income Homebuyers:** The program involves deferred loans to qualified households to supplement the down payment in purchasing a single-family home. This program is aimed at assisting first-time low and moderate income home buyers to reduce the monthly mortgage payment and other housing costs to an amount not to exceed 30% of their monthly gross income.

**3. Home Improvement Programs:** Seaside shall continue the House Paint Program whereby low and moderate income homeowners are reimbursed for the cost of exterior paint. This program is also offered to property owners with housing units under Section 8 Existing Program contracts with the Housing Authority. The City will continue reimbursing ten low and moderate income homeowners and owners of five dwelling units under Section 8 Existing Program contracts with the Housing Authority for the cost of paint applied to their houses. Community Development Block Grant funds will continue to fund this program. It is anticipated that this program will be implemented in the eligible parts of Census Tracts 135, 136, 137, 138 and 140.

**4. Section 8 Rental Housing Programs:** The Monterey County Housing Authority administers the Section 8 Housing Program for the whole county, including Seaside. According to the Housing Authority, there were 412 Seaside households that received Section 8 vouchers or certificates, and 20 Seaside residents were on the waiting list. In addition, the Hannon Assembled

**FIGURE 4.1  
CENSUS TRACTS**



Apartments, a Section 236 housing project, receives 85 Section 8 certificates directly from HUD.

Seaside has the largest share of Section 8 recipients on the Monterey Peninsula and will request the Housing Authority for an increase of Section 8 vouchers to accommodate households on the waiting list for rental assistance. The City of Seaside has previously supported all the Housing Authority's requests for increased Section 8 allocations. It is anticipated that Section 8 housing programs will be implemented in eligible portions of Census Tracts 135, 136, 137, 138 and 140.

**5. New Construction:** New construction of assisted housing in Seaside is limited by the landlocked nature of the City and limited vacant land. Redevelopment of deteriorating areas could, however, provide additional housing for very low and low income households. Another major obstacle to new construction of assisted units is the lack of participation from private developers to build such units. The City established a program in 1983 that offers free demolition of vacant, substandard structures. Approximately 79 units have been demolished since 1983. The program is available only for vacant, dilapidated structures not suitable for rehabilitation and, therefore, will not displace any household. The demolition serves as an incentive for privately financed redevelopment of residential properties.

**6. Actions to Expand/Preserve Housing for Very Low and Low Income Households:** In recent years, the City has modified its Zoning Ordinance to allow construction of mixed use projects (commercial and residential) and accessory units (Granny Housing). The City intends to continue these programs which often result in construction of housing for very low and low and/or moderate income households. The City intends to conserve existing very low and low and moderate income housing units through continued promotion and maintenance of existing rehab, home improvement, and Section 8 programs as funds are available.

**7. Dispersal of Section 8 Applications to the Targeted Population:** Recognizing that the homeless, the very low income, and the disabled often lack transportation to Salinas to file for housing programs, the City shall work with the Housing Authority to establish an outreach office in Seaside or on the Monterey Peninsula. The office will facilitate dispersal of applications to the homeless and persons in imminent danger of becoming homeless. Completed applications can then be forwarded to the Housing Authority for processing.

**8. Section 8 Moderate Rehabilitation Program:** The City shall identify substandard multi-family residences which may be eligible for this program and



work with the owners to facilitate a financing and rental agreement with the Housing Authority.

**9. Accessory Residential Units:** The City shall review policies regarding accessory residential units and consider a zoning ordinance amendment requiring new units to be adaptable for persons with disabilities and existing units to be retrofitted on sale to accommodate persons with disabilities.

**10. Economic Independence:** In support of the Family Self-Sufficiency Program (FSSP), the City shall help facilitate the networking process with private enterprises to provide job training assistance and economic development projects for FSSP participants. The City is represented on the FSSP Coordinating Committee by a Council member and the Chief of Planning.

**11. Preservation of Affordable Housing:** The City shall work closely with the owners of Hannon Assembled Apartments and Del Monte Manor to encourage them to maintain their project-based Section 8 contracts beyond the expected termination dates. Eighty-five units within Hannon and 98 units within Del Monte Manor (183 total units) are subject to potential conversion from existing Section 8 contracts within the ten year planning time frame. Potential at-risk Section 8 tenants will be offered an "option out" of the existing project-based rental assistance contracts and conversion to optional rental assistance programs, including regular Section 8.

**12. Preservation of Homeless Shelter Facilities:** The City shall cooperate with and provide technical assistance to homeless shelter providers to help maintain the quality and soundness of existing shelter facilities through such programs as Emergency Shelter Grants and Shelter Plus Care for the Homeless assistance. In 1992, \$24,500 was designated for the homeless via a grant to Peninsula Outreach for the completion of a 16-bed temporary emergency shelter for women and children.

**13. Use of Other State and Federal Programs and Funding Sources:** The City shall cooperate with provider agencies applying for federal and state funds. Depending on funding availability, the City proposes to continue to grant financial assistance to nonprofit organizations providing neighborhood housing services, supportive services to the homeless, the physically and/or mentally impaired older adults, the mentally ill, and households with abused children. Considering the variations in the scope of many nonprofit organizations, it is assumed that implementation of all their missions will occur citywide.

**14. Development Processing:** The City shall streamline the development review process, as necessary, to eliminate unnecessary waiting and delays in

order to reduce time to secure permits and begin construction. A major streamlining program was instituted at the start of FY 1993/94 that can reduce processing time by up to six weeks. Seaside has reviewed its development permit process on a regular basis, along with its fee schedules. The Official Zoning Ordinance has been and is programmed to be amended annually to keep it current.

**15. The Disabled:** The City shall improve the quality and availability of housing for low income individuals with disabilities, as defined by the Americans With Disabilities Act (ADA). Designating one rehabilitated unit supported by Section 8 rental assistance will be a significant step over free market accommodations.

**16. Facilitate New Housing Construction:** The City has given priority to processing the Paralta well water treatment facility which will allow the City to receive an additional 62 acre-feet of water annually. The City has adopted a water priority allocation plan for its remaining water. The plan will be implemented immediately and includes several categories of development with an amount of water assigned to each.

**17. Ford Ord:** The City shall continue its role in planning for the reuse of Fort Ord. This will assure that a balanced community is created, including all urban services and housing opportunities for all economic levels including households needing special accommodations.

**18. Zoning Ordinance Provisions:** The City shall continue the innovative use of zoning ordinance provisions to encourage new construction. These programs shall include, but not be limited to the following:

- Mixed Land Use Development
- Accessory Residential Units
- Design Flexibility Criteria for Substandard Lots
- Provision of Manufactured Housing

**19. Density Bonus:** The City shall amend its density bonus provisions to include density bonus and incentives for the provision of low and lower income housing and/or senior housing in keeping with the latest provisions of California Government Code Section 65915.

**20. Neighborhood Quality:** The City shall continue its efforts in support of neighborhood cleanup through such programs as the Seaside Community Action Team (SCAT), the Neighborhood Improvement Program Commission, support of service clubs and civic organizations in their cleanup efforts, implementation of the Real Property Certification Program and Property



Maintenance Ordinance, and ongoing CDBG efforts to reduce blighting influences and increase property values.

**21. Fair Housing:** The City shall continue to sponsor mediation services for tenant/landlord disputes on matters including, but not limited to, discrimination, rent, maintenance, repair, and eviction.

**22. Development Constraints:** On an ongoing basis, the City shall review its zoning ordinance to identify those obstacles to the timely development of housing. The City shall also review its development standards in order to identify those areas that could result in impediments to the development of new housing opportunities.

**23. Citizen Participation:** The City shall establish a citizen's task force to provide ongoing review of City policies and actions relating to housing development. The task force will provide annual updates to the City Council regarding its findings.

**24. Housing Information:** The City shall provide an information dissemination service to educate and inform the public on fair housing referral and availability. The City shall publish a brochure to identify fair housing programs, rights, illegal practices, and agencies that are available to assist in resolving housing discrimination issues.

### **Resources**

The primary source of funding for the City's Five-Year Action Plan is the Community Development Block Grant Program. For 1994, \$540,000 was allocated with an additional \$7,000 coming from the housing set-aside funds from the Gateway Autocenter Expansion Redevelopment Project. The Planning Division will be responsible for program administration. In cooperation with the Housing Authority, information regarding programs and funding sources will be made available to nonprofit housing developers, support service agencies and interested parties.

The City intends to work closely with Interim, Inc., Peninsula Outreach, the Salvation Army, Affordable Housing Corporation and other agencies providing affordable housing and supportive services by extending financial or technical assistance in their applications for funding and other resources to meet the housing needs of the very low and low and moderate income families.

The City is investigating the possibility of having a portion of money and property confiscated in illegal drug activities as another source of funding. The rationale is that the illegal drug related activities in the neighborhoods have had a negative effect that can be reversed through positive reinvestment of the illegal gain.

4.2  
FIVE-YEAR  
ACTION PLAN

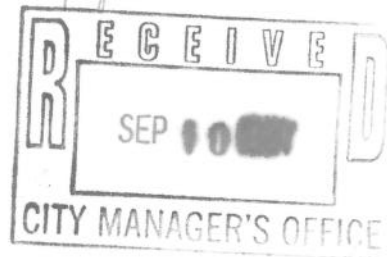
### **Monitoring Plan**

To assure that housing goals and objectives are carried out, the Chief of Planning will submit a report to the Planning Commission in May and November of each year on the status of each objective. The May report shall be sent to HCD as the City's annual report on the state of the Housing Element. Following a public hearing, the Planning Commission shall recommend to the City Council necessary changes to the Housing Element it deems appropriate to meet or exceed the goals and objectives. §

# MEMORANDUM

City of Seaside  
Police Department

Date: 09/10/97  
To: City Manager Tim Brown  
From: Captain Alan Frees  
Subject: 1996 Civil Grand Jury Recommendations



The purpose of this memorandum is to address the 1996 Civil Grand Jury Recommendations:

1. Each law enforcement agency print, or obtain a currently existing list, with the information as required by California Penal Code Section 13701(c) and keep copies of this available to the public, who can just walk in, pick it up, and not be required to get involved in a question and answer session with an officer or clerk.

The information described in California Penal Code Section 13701(c) is incorporated in a department policy. Copies of this policy are available to the public in the police department lobby. Persons need not get involved in a question and answer session with anyone to pick one up.

2. All law enforcement agencies, Judges, and Probation Officers obtain a copy of the "Lethality List," which they then can use to determine if the abuser is a deadly threat to anyone else or to themselves. At the time of investigating an incident, this should be used in determining whether to charge accused with a misdemeanor or felony. Judges can use it to determine if probation is being violated.

The department has obtained a copy of the "Lethality List." Officers have been furnished a copy of the list and trained in it's application as they investigate an incident.

3. The Probation Department be assisted in its efforts to obtain the electronic devices which would help to warn victims if the abuser is within lethal range. The money could come from the Monterey County Board of Supervisors.

A response on this recommendation would be most appropriate from the Monterey County Board of Supervisors.

4. **The Monterey County Police Chief's Association seek funding or grant to train at least one officer from each city to be that department's expert on Domestic Violence.**

A response on this recommendation would be most appropriate from the Police Chief's Association.

5. **All law enforcement officers become familiar with the Emergency Protective Orders (EPOs), and use the Lethality List to assist them in determining when one should be issued.**

Our law enforcement officers are familiar with Emergency Protective Orders (EPOs), and have been trained in the use of the Lethality List to assist them in determining when one, EPO, should be issued.

6. **Local agencies look at ways to invest in stopping the cycle of violence with funds devoted to prevention and educational services. This could reduce the financial burden on law enforcement agencies, Court, medical services, and Child Protective Services and more importantly, it could save lives.**

This project will be incorporated within the Crime Prevention Program.

cc: Chief Butler  
Captain Davis

DRAFT  
5-22-97

Grand Jury Stationery

Mr. Tim Brown, City Manager  
City of Seaside  
440 Harcourt Avenue  
Seaside, California 93955

Dear Mr. Brown:

The 1996 Grand Jury submitted its Final Report on January 29, 1997, and it included three Projects which affect the City of Seaside directly. Although the City was asked to respond to these three items, we have not received the responses. Whether this has been overlooked by your staff, or whether the responses have gone astray on your end or on our end we don't know. But since the responses were due on or before April 29, 1997, it has become a matter of some urgency.

The missing responses are outlined in the 1996 Grand Jury Final Report as follows:

- Project 3     Monterey Bay Unified Air Pollution Control District. Seaside was asked to respond to Recommendation 3, page 24;
- Project 7     Housing for Low-Income Residents of Monterey County. Seaside was asked to respond to recommendations 1a through 1h, pages 45 and 46.
- Project 12    Domestic Violence in Monterey County. Seaside was asked to respond to all 6 recommendations, page 81.

May we have your responses to these recommendations as soon as reasonably possible. Copies of the Grand Jury Report are available from the Jury Commissioner's office, Room 320 of the Salinas Courthouse.

Yours truly,

D. Roger Loper, Foreman

drl/5-24-97  
SeasideResp

# Grand Jury

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Tim Brown, City Manager  
City of Seaside  
440 Harcourt Avenue  
Seaside, CA 93955

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Yours truly,

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury





Police Department  
236 Main Street  
P.O. Box 606  
Soledad, CA 93960

☎ 408-678-1332  
FAX 408-678-3575

*Copies to  
Garry Burbancott ✓ 7-24-97  
Phil Spahr ✓ notified  
Orig to Salinas file*

July 21, 1997

*[Handwritten initials]*  
D. Roger Loper, Foreman  
1997 Monterey County Grand Jury  
P.O. Box 1819  
Salinas, California 93902

Dear Mr. Loper:

Please accept my apology for not responding to your letter within the time period you requested.

In response to your inquiry, the Soledad Police Department has adopted the lethality list currently issued by the Pacific Grove Police Department. We will be implementing it's usage beginning August 1, 1997.

Thank you for your continued interest.

Sincerely,

*[Handwritten signature of Jack Griggs]*

JACK GRIGGS  
Director of Public Safety



# Grand Jury

---

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Fabian M. Barrera, Mayor  
City of Soledad  
P.O. Box 156  
Soledad, CA 93960

Dear Mayor Barrera:

Thank you for your letter of April 17, 1997, responding to the 1996 Grand Jury Final Report, in particular the section on Housing for Low-Income Residents of Monterey County. As you are probably aware, the California Legislature passed a bill which was signed into law on September 30, 1996, which revised many of the earlier provisions defining the activities of Grand Juries. Among the changes was Section 933.05, which now defines the nature and content of acceptable responses. The 1997 edition of the California Penal Code includes these changes.

The 1997 Grand Jury is trying to categorize the responses to the 1996 Final Report in conformance with this new code section. We think your responses on affordable housing should be categorized as follows:

"Penal Code Section 933.05(b)(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. The timeframe shall not exceed six months from the date of publication of the Grand Jury report."

Thus your analysis should be reported to the 1997 Grand Jury by July 27, 1997. We recognize that your analysis will depend upon cooperative work with the County and other Cities, and urge that you make prompt arrangements for coordination of efforts so that these recommendations can be dealt with in a timely manner.

Yours truly,

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

Attachment: Penal Code Section 933.05

DRAFT  
5-18-97

GRAND JURY STATIONERY  
To: Bob LeFevre for Cities  
Committee Consideration

Fabian M. Barrera, Mayor  
City of Soledad  
P.O. Box 156  
Soledad, California 93960

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5-18-97

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Committee Consideration

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P.O. Box 156  
Soledad, California 93960

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Yours truly,

D. Roger Loper, Foreman

Attachment: Penal Code Section 933.05



248 Main Street  
P.O. Box 156  
Soledad, CA 93960

☎ 408-678-3963  
FAX 408-678-3965



April 17, 1997

Charles H. Page, Foreman  
1996 Monterey County Civil Grand Jury  
Post Office Box 1819  
Salinas, California 93902

RE: 1996 GRAND JURY REPORT - RESPONSES

Dear Mr. Page:

I want to thank you for forwarding copies of the Grand Jury Report to the City of Soledad. The document has been reviewed by City staff and the City Council and we have enclosed our official responses to the specific issues of domestic violence and housing needs. Our Director of Public Safety/Police Chief Jack Griggs has mailed the response on domestic violence directly to Jonathan R. Price, Presiding Judge of the Superior Court. Attached, please find a copy of his responses as well as the City's response on the housing issue.

The need for housing has been a prime concern to the City Council, Planning Commission and City staff. Workshops have been held so that the Council can determine better ways to provide housing to the existing and future residents of the community. Our community is committed to affordable housing and has developed a number of programs to provide assistance.

As Mayor and an Officer with the Monterey County Sheriff's Department, I am personally involved in the day to day problems of domestic violence and the need to find ways to suppress it. Even with the City's limited resources, our Police Department has been involved in several programs and training seminars to help deal with domestic violence.

If you have any questions, please feel free to contact me or the City staff directly at (408/678-3963).

Sincerely,

FABIAN M. BARRERA  
Mayor

Attachments

**CITY OF SOLEDAD**  
**SUMMARY OF**  
**RESPONSES**  
**TO THE**  
**1996 GRAND JURY REPORT**

**Housing for Low Income Residents in Monterey County**

- ◆ **Finding 1:**     *No coordinated effort to provide Affordable Housing on a County wide basis.*

**Response:** The City of Soledad acknowledges that there has been no county wide coordinated effort. However, over the last three years, both cities and the county have been making a concentrated effort to address these issues. The City Centered Growth Task Force consisting of both appointed officials and staff have developed a policy framework for which a concentrated effort at developing affordable housing could occur. Of primary importance, is the need for the County to revise and streamline county policies to make it easier for cities to work in a cooperative manner with the County to annex land and develop it for desperately needed housing.

- ◆ **Finding 2:**     *Individual cities strive to develop and help development of Affordable Housing without any coordinated County wide approach.*

**Response:** The City of Soledad has made a concentrated effort at developing affordable housing projects. The Soledad Redevelopment Agency aggressively allocates funding from the 20% Set Aside Fund for this purpose. The City Council acknowledges that based upon the diverse needs of each community and respective priorities, that county wide programs and funding to meet those identified needs should be developed. The City of Soledad cooperates with all agencies in an attempt to develop programs to meet the individual needs of the City and the surrounding area.

- ◆ **Finding 3:**     *Cost of land is the number one barrier to the development of "Low Income Housing".*

**Response:** The City has found that while this may be true from the developers' standpoint, the City has found that developers of affordable housing often pay more for land than the assessed value because they can minimize the cost of development through a "write down" of improvements costs such as utilities. Developers often under estimate the true cost of utility extensions and the associated amenities related to housing projects such as fences, sidewalks, curbs, streets, landscaping, and parks. That is to say, that developers focus more on developing a project to "fit" available financing mechanisms than on the true costs of development.

- ◆ **Finding 4:**     *Maximum and Minimum Density requirements.*

**Response:** Like all other cities in the State of California, the City of Soledad has adopted a City Bonus Ordinance that provides for both an increase in the number of units allowed (maximum 25% increase over Zoning and General Plan Densities) and a variety of economic incentives. It has been the City's experience that developers generally have already determined the number of units they desire on a project site and they do not want to increase this number. Developers recognize the need to provide open space and amenities to their residents. A density bonus of 12 -15 units per acre has always been adequate for development in the City of Soledad.

- ◆ **Finding 5:**    *Ineffectiveness of home ownership programs for low income to solve a housing problem.*

**Response:** While the City has had limited association with programs such as the First Time Home Buyer Loans, Self Help Housing, or other such programs, we do support and endorse whole heartedly the concept. The City of Soledad has developed a draft policy and will be trying to identify funding for the program in FY 1997-98.

- ◆ **Finding 6:**    *Funding needed for land purchase.*

**Response:** The Soledad Redevelopment Agency, has adopted a plan for the maximum use of 20% Set Aside funds for assisting Developers in affordable housing projects including the purchase of land.

- ◆ **Finding 7:**    *In lieu fees more practical and effective for providing low-income housing.*

**Response:** Use of in lieu fees will build funding resources for an agency. The City has not used in lieu fees in the past and have not required inclusionary units as a part of any specific project. Rather, the City has allowed developers to provide housing within their development that would address the affordable housing needs. These have included the use of random additional duplex lots within single family residential areas, reduced lot sizes and waived the processing fees.

The City's Redevelopment Agency has established several approaches to providing affordable housing, including assistance in purchasing land, direct contributions to "write down" the cost of improvements and paying the developer impact fees for specific projects.

- ◆ **Finding 8:**    *Pooling County wide in-lieu fees to address problem of low income housing.*

**Response:** Historically, the City Council has not endorsed the use of in-lieu fees, because affordable housing has been such a need in our community. However, the need for additional funding mechanisms to finance affordable housing projects is still critical. The Soledad Redevelopment Agency aggressively utilizes several funding programs in conjunction with individual developers to complete the financing package for a project. These have included the use of CDBG Grants, HOME Grants, Tax Credit Allocations, and the use of the Soledad Redevelopment Agency Funds for direct assistance. Use of these financing tools may not be as available on a County wide basis since they are targeted only to the local jurisdictions applying for the grants.

- ◆ **Finding 9:**    *Need for a political will to achieve the development of low income housing.*

**Response:** The City has always been forthright and has embraced the need and desire for affordable housing. The City has never lacked the political will to provide affordable housing. The City Council/Redevelopment Agency has been proactive in working with developers and in identifying projects for development and assistance. The City has experienced some indecisiveness on the part of outside agencies who have a role in the approval process of such projects that may have stymied projects which require annexations.



**CITY OF SOLEDAD  
SUMMARY RESPONSES  
TO THE RECOMMENDATIONS  
OUTLINED IN  
1996 GRAND JURY REPORT**

The City of Soledad and The Soledad Redevelopment Agency respectfully submits the following comments to the recommendations for a County wide effort at developing a centralized and cooperative effort at providing affordable housing in Monterey County.

- ***Identify unmet needs for low income housing county wide.***

The City has already prepared several studies regarding the need for low income housing within our jurisdiction as a part of the City's General Plan. This information should be centralized in one document county wide and should include an inventory of the existing projects outlining the number of units, size, density, location and availability as well as the effort made by each community and the unincorporated areas thus far. In addition, it should also be documented that some communities prefer to utilize in-lieu fees for affordable housing and how those in-lieu of fees have been utilized to date. An additional suggestion is to determine the feasibility of expanding the current efforts at affordable housing to rehabilitation of existing affordable units. This may require a change in State law. The City will fully cooperate in any county wide effort to document this information.

- ***Identify unused housing resources county wide.***

The City currently keeps an inventory of vacant land within the City where housing can be developed. The list is provided to all developers who have expressed an interest in a project. The staff continues to meet with all potential developers and aggressively provides information and financial assistance within our means if the project qualifies for the use of available financing tools. The City will fully cooperate in any county wide effort to document this information.

- ***Identify appropriate locations for housing that provide transportation, schools, recreation and adequate infrastructure.***

The City of Soledad and the Soledad Redevelopment Agency wholeheartedly endorse this effort. The City Centered Growth Task Force principles are primarily based on this philosophy. The City will fully cooperate with any county wide effort to follow this direction.

- ***Designation of the Monterey County Housing Authority as the lead agency for the development of low income housing in the County.***

This may present a conflict with current law through existing State mandates and the numerous specific requirements placed on cities, Redevelopment Agencies and the Housing Authorities. However, it would be very useful to utilize the Monterey County Housing Authority as a clearinghouse for County wide information, coordination, and financing of affordable housing.

- ***Assembling a management team from different jurisdictions that could seek assistance from the private sector.***

The City of Soledad and the Soledad Redevelopment Agency wholeheartedly endorse this effort. The efforts of the City Centered Growth Task Force has prepared a pathway for this type of discussion. A formalized approach, that incorporates representatives from all jurisdictions is a good idea. The City will fully cooperate with any county wide effort to follow this direction.

- ***Back the team with political authority to compile, inventory and pool financial resources.***

This issue will require additional discussion among the various political entities. As you may know, State law currently provides that these responsibilities are assigned to each jurisdiction. The City of Soledad would support a proactive effort that is cooperative in nature, whereby each jurisdiction through it's elected officials participate in any future planning, development, and financing efforts on a county wide basis. The pooling of financial resources requires much more discussion in order to assure equity in distribution.

It may be more advantageous to work on tri-party projects whereby an incentive is established so that each jurisdiction, the developer, and the County will work jointly on project development and implementation. The use of a variety of financing tools including state and federal grants, tax credit allocations, 20 % Set Aside Funds, in-lieu fees, and Inclusionary Housing funds would provide a financial balance to assure that the projects are economically feasible and are undertaken in compliance with the development standards that each community has adopted through the General Plan and Zoning Ordinance.

- ***Identification of staffing, facilities and functions to be assigned to one Agency.***

This recommendation would require additional discussion among elected officials.

- ***Delegate to one agency the authority to plan, develop and fund low income housing in Monterey County. Funding to come from the local jurisdictions.***

This will need to be examined further with regard to State law, and the financial impacts to local jurisdictions who are currently responsible for these activities.





Police Department  
236 Main Street  
P.O. Box 606  
Soledad, CA 93960

☎ 408-678-1332  
FAX 408-678-3575

April 15, 1997

Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P. O. Box 1819  
Salinas, CA 93902

Dear Judge Price,

Following is the response of the City Council of the City of Soledad regarding the 1996 Civil Grand Jury's Final Report on Domestic Violence.

***Recommendation #1: Monitor Compliance of Domestic Violence Laws.***

The City Council agrees that compliance with laws relating to Domestic Violence is an important issue. There is currently a Domestic Violence Program Committee which meets regularly and disseminates information and advises on laws and means by which to work cooperatively regarding this issue.

***Recommendation #2: Form a County Social Service Domestic Violence Advisory Agency***

We agree that Monterey County establish a nonprofit organization to provide victims and potential victims of their rights, what assistance and resources are available to them and presenting advice on alternatives to living with Domestic Violence.

***Recommendation #3: Designate a Domestic Violence Officer.***

The Soledad Police Department has an officer assigned to investigate and file complaints with the District Attorney regarding Domestic Violence and we encourage other cities and county departments to designate an investigator for this purpose.

***Recommendation #7: Form a Police Officers Domestic Violence Coordination Council***

The Soledad City Council agrees that a Police Officers' Domestic Violence Council be formed to monitor, develop and identify problems and recommend solutions or ways to improve how Domestic Violence cases are handled. It is an excellent idea that this council keep contact with the District Attorney, the Presiding Judge of the Superior Court to develop ways to provide victim assistance and training for agencies involved with Domestic Violence cases.



***Recommendation #8: Formation of a Permanent Advisory Committee***

Each city and unincorporated area should participate and be involved with a permanent advisory committee formed by the Board of Supervisors to assure that Domestic Violence issues are properly addressed and dealt with at all levels and agencies of the public and private sectors who deal with Domestic Violence and report on the status of Domestic Violence in Monterey County.

Please be assured of our continued cooperation in all matters of mutual interest.

Sincerely,

A handwritten signature in black ink, reading "Fabian M. Barrera". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Fabian Barrera, Mayor  
City of Soledad

**DRAFT**  
**5-17-97**

**Grand Jury Stationery**  
**To: Bob LeFevre for Citie**  
**Committee Consideration**

Mr. William Brashears, Executive Director  
Housing Authority of the City of Soledad  
167 Main Street, Room C  
P.O. Box 1819  
Salinas, California 93902

Dear Mr. Brashears:

Thank you for your letter of April 8, 1997; please excuse our oversight in not including the Housing Authority of Soledad among those required to respond to the 1996 Monterey County Grand Jury recommendations on Housing for Low-Income Residents of Monterey County. These recommendations are on pages 45 and 46 of the 1996 Final Report. We would still be very interested to receive your thoughts on these proposals.

Although it would not be of direct concern to your organization, no doubt you would have useful thoughts on the Grand Jury study of the Housing Authority of Monterey County, which appears on pages 48 through 57 of the same report.

Please let us have your responses to these two projects of the 1996 Grand Jury.

Yours truly,

D. Roger Loper, Foreman

# Housing Authority of the City of Soledad

167 Main Street, Room C, Soledad, California 93960

*Rec'd  
4/10/97  
WFB*

April 8, 1997

D. Roger Loper, Foreman  
Monterey County Civil Grand Jury  
Post Office Box 1819  
Salinas, California 93902

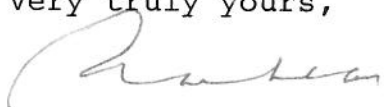
Dear Mr. Loper:

The purpose of this letter is to state that there are two Housing Authorities in Monterey County. The purpose in making that statement is that I understand on your last report of the Grand Jury indicated that the Monterey County Housing Authority was the only Authority in the County.

Please be advised that the Housing Authority of the City of Soledad has been in existence since the year 1951 and that the Authority has two projects. One of low rent housing and a farm labor center project.

If you are ever by this way, I would be pleased to give you a guided tour.

Very truly yours,



William F. Brashears  
Executive Director

WFB/jc

# Grand Jury

---

P.O. Box 1819  
Salinas, CA 93902  
(408) 755-5020



June 16, 1997

Mr. Jack Griggs, Director of Public Safety  
City of Soledad  
236 Main St.  
Soledad, CA 93960

Dear Mr. Griggs:

Thank you for your letter of April 2, and your responses to the recommendations of the 1996 Grand Jury on Domestic Violence. You are no doubt aware that the California Legislature passed a law in 1966 defining more carefully what should be included in responses to Grand Jury recommendations. The 1997 Grand Jury is reviewing the responses to the 1996 Final Report, and is categorizing them in accordance with the new definitions, which appear in the 1997 edition of the California Penal Code.

As we interpret your letter, we feel that your responses to Recommendations 1, 5, and 6 are adequate and can be categorized as follows:

"Penal Code Section 933.05(b)(1) The recommendation has been implemented, with a summary regarding the implemented action."

However, we have categorized your responses to Recommendation 2 as follows:

"Penal Code Section 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation."

Your responses to this recommendation promised certain actions but did not tell when these actions will be taken (the timeframe). Please advise the 1997 Grand Jury by June 30 of the timing for implementing this recommendation.

Yours truly,

D. Roger Loper, Foreman  
1997 Monterey County Grand Jury

Attachment: Penal Code Section 933.05

DRAFT  
5-18-97

GRAND JURY STATIONERY  
To: Mel Spehn for Health and Welfare  
Committee Consideration

Mr. Jack Griggs, director of Public Safety  
City of Soledad  
236 Main Street  
Soledad CA. 93960

Dear Mr. Griggs:

Thank you for your letter of April 2 and your responses to the recommendations of the 1996 Grand Jury on Domestic Violence. You are no doubt aware that the California Legislature passed a law in 1966 defining more carefully what should be included in responses to Grand Jury recommendations. The 1997 Grand Jury is reviewing the responses to the 1996 Final Report, and is categorizing them in accordance with the new definitions, which appear in the 1997 edition of the California Penal Code.

As we interpret your letter, we feel that your responses to recommendations 1,5 and 6 can be categorized as follows:

"Penal Code Section 933.05(b)(1) The recommendation has been implemented, with a summary regarding the implemented action"

We have categorized your responses to recommendations 2 and 4 as follows:

"Penal Code Section 933.05(b)(2) The recommendation has not yet been implemented, but will be implemented in the future with a timeframe for implementation"

Your responses to these recommendations promised certain actions but did not tell when these actions will be taken (the timeframe). Please advise the 1997 Grand Jury by June 15 of the timing for implementing these recommendations.

Yours truly,

D. Roger Loper, Foreman

drl/5-18-97  
Soledad Resp



Police Department  
236 Main Street  
P.O. Box 606  
Soledad, CA 93960

☎ 408-678-1332  
FAX 408-678-3575



April 2, 1997

Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P. O. Box 1819  
Salinas, CA 93902

Dear Judge Price,

Please accept this response to the recommendations regarding Domestic Violence made by the 1996 Civil Grand Jury Final Report.

***Recommendation #3: Police Departments designate a Domestic Violence Officer:***

I agree that at least one officer from each of the Monterey County Law Enforcement Agencies be trained in the handling of Domestic Violence cases. Training is available from POST and various local agencies with interests in this type of case. The Soledad Police Department has an Investigator designated to handle Domestic Violence cases.

***Recommendation #4: Provide and Publicize Domestic Violence Information:***

The Soledad Police Department is in compliance with California Penal Code Section 13701 (c). Domestic Violence informational packets are available to the public in the lobby of the Police Department. Information is available in both English and Spanish. Citizens seeking such information may obtain it during regular office hours; Monday through Friday, 7:30 a.m. to 5:30 p.m. A Police Officer will be radio dispatched to assist the citizen at other times. A telephone is provided near the front door of the Police Department for calling County communications. Soledad Police Personnel will continue to provide citizens with the best possible service in Domestic Violence cases.

***Recommendation #7: Form a Police Officers Domestic Violence Coordinating Council:***

I agree that there should be a Council to assure that all agencies are on the right and same road regarding Domestic Violence. Information is also received through the representative of the Monterey County Chief Law Enforcement Officers Association to the County Domestic Violence Coordinating Council. We will continue to search for ways to stop the cycle of violence.

Honorable Judge Jonathan R. Price

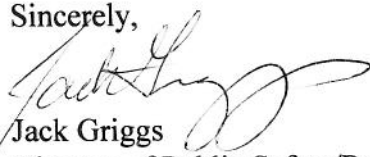
April 2, 1997

Page 2

The Soledad Police Department and Officers strive to maintain an excellent Domestic Violence program. Thanks to the Monterey County Grand Jury for their report and analysis of this important issue. I believe it is healthy to review our policies and procedures from time to time to assure that we are doing what needs to be done and serving the best interest of our community.

If I can be of further assistance please don't hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Griggs", with a stylized flourish extending from the end.

Jack Griggs

Director of Public Safety/Police Chief

cc: City Manager, Belinda Espinosa  
Mayor Fabian Barrera and City Council





Police Department  
236 Main Street  
P.O. Box 606  
Soledad, CA 93960

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April 2, 1997



Honorable Jonathan R. Price  
Presiding Judge of the Superior Court  
P. O. Box 1819  
Salinas, CA 93902

*Copies to Faith  
Ketty  
Richard  
Muel  
H/S 3/2*

Dear Judge Price,

Please accept this response to the recommendations regarding Domestic Violence made by the 1996 Civil Grand Jury Final Report.

**Recommendation #1: *Comply with California Penal Code Section 13701 (c):***

The Soledad Police Department is in compliance with California Penal Code Section 13701 (c). Domestic Violence informational packets are available to the public in the lobby of the Police Department. Information is available in both English and Spanish. Citizens seeking such information may obtain it during regular office hours; Monday through Friday, 7:30 a.m. to 5:30 p.m. Outside of regular office hours, this information may be obtained by coming to the front entrance of the Police Department and contacting an officer through use of the free direct telephone. A Police Officer will be radio dispatched to assist the citizen. Soledad Police Personnel will continue to provide citizens with the best possible service in Domestic Violence cases.

**Recommendation #2: *Use of a "Lethality List":***

Officers of the Soledad Police Department will use a "Lethality List" to determine if an abuser is a deadly threat to themselves or another person.

**Recommendation #3: *Use of a Victim Electronic Warning Device:***

I concur with the Grand Jury's recommendation that the Probation Department be assisted in its efforts to obtain electronic warning devices to advise victims when the abuser comes within lethal range. Such a program should be funded by the County or possibly through grants.

**Recommendation #4: *Training of Police Domestic Violence Experts:***

Domestic violence courses are available through the California Police Officer Standards of Training Department (POST). I agree that at least one officer from each

Honorable Jonathan R. Price

April 2, 1997

Page 2

of the Monterey County Law Enforcement Agencies be trained in the handling of Domestic Violence cases. Training is also available from various local agencies with interests in this type of case.

***Recommendation #5: Familiarize Officers with Emergency Protective Orders:***

The Soledad Police Department provides training in Emergency Protective Orders and the Lethality List to determine when one should be issued.

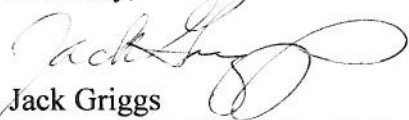
***Recommendation #6: Stopping the Cycle of Violence:***

The Soledad Police Department works with the community and provides education about Domestic Violence, through its Community Academy and Crime Prevention Programs. Information is also received through the representative of the Monterey County Chief Law Enforcement Officers Association to the County Domestic Violence Coordinating Council. We will continue to search for ways to stop the cycle of violence.

The Soledad Police Department and Officers strive to maintain an excellent Domestic Violence program. Thanks to the Monterey County Grand Jury for their report and analysis of this issue. I believe it is healthy to review our policies and procedures from time to time to ensure that we are doing what needs to be done and serving the best interest of our community.

If I can be of further assistance please don't hesitate to call.

Sincerely,



Jack Griggs

Director of Public Safety/Police Chief

cc: City Manager, Belinda Espinosa  
Mayor Fabian Barrera and City Council

